The House met at 10 a.m. and was called to order by the Speaker pro tempore (MRS. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, D.C.
September 21, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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.

The SPEAKER pro tempore.

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches per side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

The JOURNAL

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SIGN OF WAR PREPARATION

Mr. KUCINICH. Madam Speaker, all the signs of preparation for war against Iran are there for anyone who can see. Covert action, the Strategic Air Command, the selection of 1,500 targets, and a plan for a naval blockade, a faked or hyped intelligence report on the degree of uranium enrichment and the manipulation of the media.

It is Iraq all over again, but instead of a Nation of 25 million, Iran is a Nation of 70 million sitting right next to Iraq, where 130,000 U.S. troops are in danger simply because of the war planning.

Today, while our government borrows money from China, Japan and Korea to pay for a war in Iraq that could cost up to $3 trillion, the administration is preparing to spend more money for a war against Iran. This Congress must not permit this administration to open up another war without permission, without oversight, without justification, without the financial resources, without the human...
resources, without a shred of common sense or realism. Bombs are no substitute for diplomacy. You can bomb the world to pieces, but you can’t bomb the world to peace.

COMMENDING 125TH ANNIVERSARY OF NORWOOD, NORTH CAROLINA IN STANLY COUNTY

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

Mr. HAYES. Madam Speaker, today I want to recognize the town of Norwood, North Carolina, for its 125th anniversary. Norwood has a rich and vibrant history as the area’s earliest settlers arrived in the 1750s, and the town officially was incorporated in 1881.

In the beginning, Norwood was a town thriving on agriculture and newly established railroad lines. Local entrepreneur Troy J.W. McKenzie relocated his business to Norwood and commented that the town will very soon, unless indications are false, become an important trade center.

McKenzie was correct. In the 21st century, Norwood is the home of many local and international manufacturing companies, and this business-friendly environment has the potential for continued economic growth. Today I say congratulations to the town of Norwood for 125 years, many exciting years to come.

FEDERAL CONTRACTS AND SUDAN

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

Ms. LEE. Madam Speaker, more than $600 million of Federal contracts has gone to companies whose business in Sudan may directly or indirectly support the Sudanese Government’s campaign of genocide in Darfur. No one should have to worry that their tax dollars are supporting genocide, and that is why I am introducing the Darfur Accountability and Divestment Act of 2006.

This bill is designed to wash the blood off of our Federal contracts and increase the financial pressure on Khartoum to end the genocide in Darfur. It also protects the rights of States to divest their own public pension funds from companies doing business in Sudan because some in the other body insist on stripping that language out of the Darfur Peace and Accountability Act.

Divestment played a critical role in ending apartheid in South Africa, and it is unconscionable that anyone in Congress would try to prevent people from washing the blood from their pensions and doing their part to end this genocide. We have a moral responsibility to use every tool at our disposal to end this genocide.

I call on my colleagues to cosponsor my bill and support the growing national divestment movement.

PROTECT OUR BORDERS

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

Mr. STEARNS. Madam Speaker, it has been more than 5 years since the terrorist attacks on September 11. In looking back, we have made great progress in uprooting the terrorists from their havens and liberating millions of people. We also have provided our law enforcement and intelligence agencies with new tools to combat these threats. Yet there is so much more work to do. We are at war with terrorists, and we must protect our borders.

If we cannot control our borders, how can we prevent those who would murder us from entering our Nation? Millions attempt to enter our Nation illegally every year. Many are apprehended.

I commend our Border Patrol for their fine work under difficult situations; however, millions have crossed the border successfully in the past 5 years, and very many terrorists there are. Our borders are another battleground in the war on terror.

HOLD ON FDA COMMISSIONER OVER RU-486

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

Mr. PITTS. Madam Speaker, I rise today to comment on Senator Jim DeMint’s decision to put a hold on Andrew van Eschenbach’s nomination to head the FDA. This has to do with a drug, an abortifacient called RU-486. This drug has been linked to eight deaths, nine life-threatening incidents and more than 1,000 hospitalizations.

The FDA is charged with safeguarding public health, so it only makes sense that the FDA Commissioner would support suspension of the drug, RU-486, until a full investigation can be completed on its effect on women’s health. Nine other drugs have been suspended in the past 8 years that didn’t cause a single death, yet this known health threat remains on the market as we speak. Madam Speaker, this is nothing less than irresponsible, and it is time the FDA exerted some leadership on the issue.

Senator DeMint has acted in the interest of women’s health and common sense. I thank him for his leadership.

CONGRESS IS ACTING ON ILLEGAL IMMIGRATION

(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. Madam Speaker, faced with two conflicting bills regarding illegal aliens, the House-passed border security bill and the Reid-Kennedy amnesty plan, House Republicans left Washington in August tasked with answering one question: How did the American people want us to handle this issue? After holding multiple field hearings and town hall meetings across America, we are back in Washington, and the American people expect us to act, and that is just what we are doing.

We began by passing the Secure Fence Act last week, and today we will consider three more bills vital to securing our borders and restricting the flow of illegal aliens into our country. It is time to curtail the invasion of illegal aliens, and we must begin at our borders. House Republicans are keeping up our end of the bargain. Now it is time for the Senate to follow suit.

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

APPOINTMENT OF MEMBER TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), and the order of the House of December 18, 2005, the Chair announces the Speaker’s appointment of the following Member of the House to the House Commission on Congressional Mailing Standards: Mr. EHlers, Michigan, Chairman.


Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1018 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1018

Resolved. That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one’s land) the construction or use of a tunnel or subterranean passageway from the United States and another country. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without debate. The following (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the Committee on Homeland Security, and (2) one motion to recommit.

S. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the Senate the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one’s land) the construction or use of a tunnel or subterranean passageway from the United States and another country. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without debate. The following (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the Committee on Homeland Security, and (2) one motion to recommit.
without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

Sek. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill from the Committee of the Whole on the State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. Gingrey) is recognized for 1 hour.

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

Madam Speaker, H. Res. 1018 provides for consideration of H.R. 4830 under a closed rule. It allows 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, it waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 4830.

In addition, the rule provides for consideration of H.R. 6094 under a closed rule. It allows 1 hour of debate in the House, again equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, it waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 6094.

Finally, Madam Speaker, the rule also provides for consideration of H.R. 6095 under a closed rule. It allows 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, waives all points of order against consideration of the bill, and provides one motion to recommit H.R. 6095.

Madam Speaker, last December the House of Representatives debated and passed H.R. 4437, the Border Protection Antiterrorism and Illegal Immigration Control Act, with an 87-vote margin. However, despite phone calls and letters from constituents, our hard work in December met difficulty because some of our colleagues in the other body opted to support an amnesty program that simply cannot be substantiated.

The need for immigration reform is critical and long overdue. I remind my colleagues that we need to secure our borders before we consider any other immigration proposal, of which amnesty should never be a part.

Just about every congressional district in this country is affected by illegal immigration, and just border patrol agencies are at their breaking point. Democrats versus Republicans, it is not about the election in 7 weeks. It is an issue of protecting our Nation and restoring integrity to our system of immigration.

If immigration proposal is a Republican issue, 64 Democrats would not have voted last week for the Secure Fence Act. Indeed, we are a Nation of immigrants, but we are also a Nation of laws based on the principles found in the United States Constitution.

In 1986, President Reagan pushed for reforms to address the problem of illegal immigration. In 1996, the 104th Congress pushed for more reforms. And now, 10 years later, this Congress once again has an opportunity to debate how to secure our border, and remove incentives for illegal immigration by enacting these meaningful changes.

Today this Congress continues an ongoing and difficult debate, and I want to thank House Rules Chairman D.Reier for the bills being considered under this rule, H.R. 6094, the Community Protection Act of 2006, H.R. 6095, the Immigration Law Enforcement Act of 2006, finally H.R. 4830, the Border Tunnel Prevention Act of 2006.

Together, these three bills, along with the Secure Fence Act we passed last week, reaffirm some of the highlights from the House-passed legislation in December, almost a year ago.

By addressing these issues separately, we have a better chance of achieving at least some degree of immigration reform in 2006. Procrastinating or ignoring this problem will simply delay the day. Every day we put off debating and passing immigration reform creates more and more opportunities for illegal immigrants to break our laws and violate our borders.

Each and every one of these offenses has social, economic and, indeed, security repercussions.

For instance, according to the United States Census Bureau release last month, there are an estimated 795,419 illegal immigrants who live in my home State of Georgia, almost double the same estimate from 2 years ago.

During the August district work period, I had an opportunity to visit some of the more porous areas on our southern border with my colleague Mr. Souder, from Indiana, and Mr. Price from Georgia. After meeting with Border Patrol and Immigration and Customs Enforcement agents, inspecting the infrastructure, checking out places for improvement, the most important lesson that we learned was that with the right tools and with the right manpower, securing our border can be a reality, and it is not a lost cause, as some would suggest.

The morale of these dedicated men and women who are protecting our southern border is at an all-time high, because, as they said to us, Congress is finally paying attention.

Some of the improvements needed include more Border Patrol agents, more fencing, and understanding that for smugglers, it is unbelievable that we don't already have that, and removing the question of jurisdiction for local law enforcement, an issue that my colleague from Georgia, Mr. Norwood, in his CLEAR Act has addressed over and over again, and thank goodness, was part of our original bill in December. We also need more on-site immigration judges, we are woefully inadequate in that manpower, border tunnel detection and criminal detention and removal.

The three bills we are considering under this bill address many of the problems that Customs and Border Patrol and ICE agents brought to our attention during that August trip to the three sectors of our border with Mexico.


One of the most eye-opening moments on my tour of the border was seeing the transport of prisoners at an airport in El Paso, Texas. An airplane landed with prisoners, and so-called OTMs, other countries south of the border. These individuals were not being held and deported just simply because they had illegally crossed the border seeking jobs. No, these individuals were being sent back to their home countries after serving out sentences in this country for rape, murder, child molestation, and grand larceny.

The scenario addressed in H.R. 6094 would involve detaining individuals with similar offenses and also, also, Madam Speaker, in cases of highly contagious diseases and mental illnesses, detaining them longer than current law allows, a 6-month limit which begins when they are ordered removed. This legislation would make sure that these criminals are not released back into our society because of that 6-month rule to cause serious safety problems in our local communities.

Also included in H.R. 6095 is the Alien Gang Removal Act to deport alien gang members such as MS-13 and prevent them from being protected under this out-dated asylum law that we are burdened with. It is important to stop these gang members from entering and staying in the United States so that we can make progress toward not only deterring violent crime, but also the spread of the methamphetamine plague.

The Immigration Law Enforcement Act of 2006 would reaffirm, indeed, codify, the authority of local law enforcement officers to have jurisdiction in Federal immigration laws, CHARLIE NORWOOD's CLEAR Act. Many officers
want to enforce immigration law, but they fear repercussions at the Federal level. This language would allow local officers to assist Immigration and Customs Enforcement agents apprehending and removing illegal aliens from our cities and communities, in essence, Madam Speaker, to deputize them and codify it.

Also included in H.R. 6095 is language to end this catch-and-release system that I mentioned earlier and expedite the process of removal of illegal immigrants. The legislation includes the Alien Smuggler Prosecution Act to create uniform guidelines, let me repeat, to create uniform guidelines for the prosecution of smuggling offenses.

On our trip to the southern border, we had a night tour at the Arizona sector. In our group, Congressman Soderel, the gentleman from Indiana, Congressman Price from Georgia and myself, we watched agents catch an individual trying to bring close to 400 pounds into this country. The reason why, we were told by Customs and Border Patrol agents, that he chose 400 pounds was because in that particular area, in that particular county, there would be no prosecution for anything under 500 pounds. So we are doing nothing, while some areas prosecute for 5 pounds, others will not budge for anything under 500. So we are addressing this problem of smuggling. We need uniform and stringent guidelines to prevent these smugglers from overwhelming certain areas of the border; and as I said, they are attempting to use this loophole to game the system, if you will. While some areas prosecute for 5 pounds, others will not budge for anything under 500. So we are addressing this problem of smuggling. We need uniform and stringent guidelines to prevent the smugglers from overwhelming certain areas of the border. And as I said, they are attempting to use this loophole to game the system, if you will. That has got to stop, Madam Speaker.

Finally, Border Tunnel Prevention Act, the Border Tunnel Prevention Act of 2006 introduced by Chairman Dreier to address the problem of these border tunnels, H.R. 4830 would increase penalties for border tunnel construction, with up to 20 years imprisonment.

One of the agents I met in Nogales, Arizona, mentioned that they really need more tools to combat border tunnel construction. With or without a tunnel construction, they are filled with cement as well. They are serious issues, but they have been issues that have been ignored by this Republican leadership and this Republican Congress for years. Notwithstanding the fact that President Bush has challenged us to come up with comprehensive immigration reform, which also includes tighter border security, and notwithstanding the fact that this Congress passed what I believe is an objectionable immigration reform bill and the Senate has passed a more acceptable immigration reform bill and we are supposed to go to conference and work out the differences and produce a comprehensive immigration reform bill, as the President has requested, the leaders of this House have chosen to do nothing, not a thing.

So while many of us may disagree on some of the issues, this is a high priority for all Members of Congress. But some of us are questioning, why do we do this? Why not go to conference and work out the differences and come out with a comprehensive immigration reform bill that deals with border security and that deals with the issue that a lot of people are concerned about, what do you do with the 12 million people here in the United States who are undocumented?

Madam Speaker, the rule before us and the bills that will be considered if this rule is adopted is not about border security and immigration. That is not what we are doing here today. For those who are watching, this is not about real legislative progress. No, Madam Speaker, this rule and these bills are about politics. It is about a press release and trying to convince the voters that we in this Congress are actually doing something when, in fact, we are doing nothing.

Now, before my friends on the other side of the aisle roll their eyes and say, there he goes again, let me urge them to look at the calendar. The Republican leadership cancelled votes for tomorrow and plans to adjourn for the elections next Friday, September 29. The Senate is following a similar pattern. That bills we are considering today will help them tremendously.

So I encourage all my colleagues on both sides of the aisle, please support this rule and support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. McGOVERN. Madam Speaker, I want to thank the gentleman from Georgia (Mr. Gingrey) for yielding me the customary 30 minutes.

Madam Speaker, immigration and border security are not new issues. These issues have been around for a while. They are serious issues, but they have been issues that have been ignored by this Republican leadership and this Republican Congress for years. Notwithstanding the fact that President Bush has challenged us to come up with comprehensive immigration reform, which also includes tighter border security, and notwithstanding the fact that this Congress passed what I believe is an objectionable immigration reform bill and the Senate has passed a more acceptable immigration reform bill and we are supposed to go to conference and work out the differences and produce a comprehensive immigration reform bill, as the President has requested, the leaders of this House have chosen to do nothing, not a thing.

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Madam Speaker, for 5 years the Republican-controlled House, Senate and White House have failed to move forward on comprehensive immigration and border security. Done nothing. We have a crisis today. It is a crisis in border security because Republican infighting has crippled anyone with any ability to enact comprehensive reform.

Madam Speaker, with 1 week left before we adjourn, we should be considering meaningful legislation that will actually affect people’s lives today. Where is a clean bill increasing the minimum wage? The Federal minimum wage is at $5.15 an hour. It has been that way for 9 years. I mean, how can you live on $5.15 an hour? We need to pass an increase in the minimum wage, not a minimum wage increase tied to a tax break for millionaires, but let us all agree that $5.15 an hour is not enough for somebody to live. They cannot get out of poverty on $5.15 an hour. Why can we not pass a clean minimum wage bill that would make some-thing meaningful. That would impact people’s lives today. We had time this year to vote ourselves a pay raise here in the Congress. Do you not think we could take a few minutes and pass a pay raise for those workers who are earning $5.15 an hour? Where is legislation implementing the rest of the 9/11 Commission’s recommendations? The gentleman talks about homeland security and the need to protect our border security. The bipartisan 9/11 Commission has given this Congress Ds and Fs on implementing homeland security legislation. We should be ashamed of ourselves. We should be ashamed of ourselves that we have not enacted all of those recommendations. We need to do that. We could do that today. We should stay in session to tomorrow and do it.

Where is the Labor-HHS appropriation bill? Where are some of the other important legislation that we need to move forward that now exists? Mr. TANCREDO, my good friend, has lost the trust of the American people. Every public opinion poll out there shows that we are held in the lowest esteem possible. People have had it. They know the way this place operates. They want this to be the people’s House, not the House where a few special interests get to call the shots.

Madam Speaker, over the last several years, the Democrats have tried to offer amendments to various bills to stem some of the illegal immigration that now exists. If we look over the last 5 years, if these amendments were adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds and 2,700 more immigration and enforcement agents along the border. That would be a positive thing if those things were adopted, but each and every time they have been objected to by the Republican majority in this House. They have been against increasing Border Patrol agents, increasing detention beds, against more immigration and enforcement agents along our border that now exists. Instead, we get a fence bill that is not paid for. Instead, we get these bills that are before us today that in all likelihood are going nowhere before we adjourn for Congress.

This is not the way we should run the House of Representatives. This is not the way to do with border security. This is not what I think is going on here today. This is a rifleshot approach to a problem that needs a comprehensive approach. We need to do so much better. So I am asking my colleagues to defeat this rule.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield to myself such time as I may consider necessary to deal with some of the comments that my good friend made in regard to the point of the Senate-passed bill that is more acceptable, the so-called comprehensive reform bill.

Well, I will tell you, my colleague said that would be more acceptable. That comprehensive reform bill, by the way, is just a euphemism for amnesty, and 90 percent of my constituents would beg to differ with him, and I think that is true across this country.

He also made the point about this Congress not doing its work and taking off tomorrow. Well, he knows and all of us know that the reason we are not going to be in session tomorrow is because the leadership of both the Democratic Party and the Republican Party, in deference to the fact that tomorrow is a high Jewish holiday, that we not be in so that people could worship and observe these holidays.

It is disingenuous these things that my good friend and colleague is mentioning.

The other thing about going to conference with the Senate. Well, he knows that in the Senate bill there is a revenue provision that makes the bill unconstitutional. If they want to remove that provision and then send that bill back over, we can go to conference. So it is just a game that they are playing.

My colleague also, and he is perfectly within his rights to do this, he talks about some issues that are more important to him and maybe to his party and his leadership and brings up the issue of the minimum wage and a stand-alone minimum wage bill. Madam Speaker, this Congress is on the record of porous borders and prevent these millions of illegal immigrants from flooding into this country, taking jobs away from American citizens and legal immigrants and, in the process, driving wages down. If we can stop the hemorrhaging, then we will not need to increase the minimum wage because it will be increased automatically by employers.

So he wants to take a rifle approach and we are taking a shotgun approach. We are going to get the job done, and we are going to solve many of these problems with this bill.

Madam Speaker, I proudly yield 2½ minutes to the gentleman from Colorado (Mr. TANCREDO), my good friend who knows of what he speaks in regard to immigration and secure borders.

Mr. TANCREDO. Madam Speaker, I thank the gentleman for yielding.

We have used a lot of analogies here to describe what is happening. Of course, I have one, too, and that is that we are looking at a patient that is the United States of America, and we are hemorrhaging at our borders. When that occurs, you first do something to stop the hemorrhaging. You may want to think about how you may treat the patient subsequent to that, but you stop the hemorrhaging, and this is what we are trying to do on the border. That is the first way of addressing this huge problem.

It is important for us to do this and important for us to keep reminding the American people that there are things that can be done, that should be done by the Federal Government in order to try and protect them and do what we should be doing to live up to our responsibilities under the Constitution.

One of the bills today is of particular interest to me. It is the State and Local Law Enforcement Cooperation Act, and it talks about what we need to do and the authority of the State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain, and transfer to Federal
custody aliens in the U.S. in order to assist in the enforcement of the immigration laws.

Let me tell you how important this. Just yesterday it was reported in Colorado, another event of one of hundreds that happened in this country of illegal nature, where someone who was in the country illegally comes in contact with the local police. In this case, he was driving a car that had a warrant out for it across the country. He was driving without a license. He was driving with a forged identifier, something that was observable to the policeman, who said he saw that the picture had been cut out. That happened in early April. He was taken in and let go. No contact was made with ICE whatsoever.

Just a few days ago he dragged another person, we are not even sure who this other person is because there is not much left of the body, but he dragged her behind a truck until she was dismembered.

Now, if the everybody had done their job there, including the Federal Government, and the job had been done at the local level, the gentleman would have been off of the streets. If it was done at the Federal level, he would have never gotten into the country. If the local police had been able to do their job, except for their sanctuary city policies, this man would have been off the streets in April and would not have been able to commit this horrible crime.

But all these things are happening. They happen on a daily basis. We need to engage the local communities in this effort to help us, and the Federal Government must take on the responsibility here to secure our borders. It is our true and one single responsibility. I thank the gentleman for yielding the time.

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

Madam Speaker, let me again point out to everybody in this Chamber that the Republicans have controlled this place for a long time, and for the last 5 years, they have even controlled the White House. It is puzzling to me why they are all lamenting that we need to get things done when they have been in charge. Why can they not work with each other? Why can you not get things done?

The gentleman from Georgia talked about this comprehensive immigration bill. That one in the House he voted for. The one in the Senate he may not like. When the Senate passes a bill, and the House passes a bill, in this case Republican control both Houses, you get together, work out the differences and come up with a compromise.

And he has yet to explain why all this has to be brought up under a closed process. Why can’t we open this to amendments? We proposed last night in the Rules Committee, the Democrats, that this be an open rule, that Members be able to come down and amend as they see fit. And that was voted down along party lines: all the Democrats voted for an open process, the Republicans as usual stuck together and voted to shut this process down. That is objectionable. This is so important, we should be able to, it should be open to amendments to any Member.

You know, again, I would say to the gentleman from Georgia, Democrats, if you would follow our lead and you had adopted the amendments that we proposed over the last 5 years, there would be 6,600 more Border Patrol agents, there would be 14,000 more detention beds, and 2,700 more immigration enforcement agents along our border with Mexico. I think we would have had a positive accomplishment. But you rejected all that time and time again.

So I object to the manner in which you are bringing these bills up. This is all about politics. This is about trying to imply that you are doing something when you are not. And I object, once again, to a closed process. We need a little democracy in the House of Representatives. This should be an open process; it should be open to amendments.

I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, at this time I want to proudly yield as distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

(MR. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I first want to extend my congratulations to my Rules Committee colleague, Dr. GINGREY, and thank him for his fine work on this rule as he does such a great job on so many other measures that we bring forward from the Rules Committee.

You know, this issue of working together which my friend from Massachusetts has just talked about is something I am very proud of. Included in this measure is the issue of building up our strategic fences. Now, I don’t think that we can fence the entire border. I think that we have got 21st-century technology that can be utilized, with motion detectors, unmanned aerial vehicles, other things that can be used. But in heavy urban areas and in the five areas where we see a large problem with human and drug trafficking, building a fence is the right thing to do.

And I regularly heard my friends in the Rules Committee say, oh, the Senate is never going to bring this up. We passed it last week, and part of the criticism of it was the Senate wasn’t
My question remains, why can we find areas of agreement. I thank my friend for yielding.

Mr. MCGOVERN. Again, it is frustrating that when the President of the United States is urging us to approach this issue in a comprehensive way, that the Republican leadership of this House can't get together with the Republican leadership of the Senate and address a whole range of issues. I think it is also important to point out that there is no misunderstanding for those who may be observing these proceedings that, even if the Senate passes the so-called fence bill, they should be under no illusion that all of a sudden a fence is going to be built along the southern border of this country. The fact of the matter is there is no money for it. This is an authorization, not an appropriation; and nobody to identify where the money is going to come from.

The other thing is, again, I go back to what I said before. We need more border security agents on the border right now. We need more detention beds. We need more immigration enforcement agents along the border. We have tried, we have tried over and over and over again to get the majority to allow us just the right to offer amendments that would address these issues and have been rejected over and over and over again.

So I would simply restate what I said in the very beginning, and that is that what is going on here today is something I think the other side knows that at least with the three bills that we are talking about here today, the chances of them being enacted by the Senate are almost zero between now and a week from Friday; and we are not going to accomplish anything except a press release. And at the same time, we are not addressing the challenge that President Bush has put before us, which is comprehensive immigration reform.

Madam Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE. Madam Speaker, I thank the distinguished member of the Rules Committee, and I thank him for highlighting some of the failures in our Achilles heel in this process.

Certainly one of the reasons why we are offering this proposal, and the ranking member on the Judiciary Committee on Immigration, none of these bills have come through the committee. There have been no hearings, no fact finding. Certainly the reason might be given by our colleagues on the other side of the aisle is because we have already passed this bill. This bill is a clone of the Sensenbrenner bill passed through the House and ready for conference.

I think it is important to note that even though my friends in the other body have come to clouture on the tunnel provision or the fence provision, let me make it very clear that Senator Frist, the majority leader, has indicated that there is a heavy, heavy agenda for next week. When the Senate goes out at the end of the week, the question is whether or not this will be an item that will be addressed.

What really should have happened 2 months ago, when both bills had been passed, the Senate passed a bill, the House passed a bill, we could have gone to conference. Maybe my colleagues don't realize that there was fencing language in the Senate bill. That means when you go to conference, you can expand that language if that was the desire.

Now, I know many of my friends on the other side of the aisle will talk about the immigration hearings that they attended, and I would venture to say that at many of them I met them because I had the responsibility and privilege of attending at least one-third to one-half of them. And those hearings were redundant testimonies by people that had already been to Washington. They drove a wedge in whatever community we went to with protesters on both sides. There was a lot of maligning of innocent individuals who happened to be Hispanic surname, suggesting in one hearing in California that all of the jailhouses were filled up with individuals from Mexico and other places, the mental facilities were filled up, the hospitals were filled up. It was an abomination.

So we are simply asking that there be a comprehensive approach. And Democrats are not taking a back seat to border security, and that is why I am offering the previous question that says that we need to address the hard work of Democrats, particularly as it relates to the idea of alien smuggling, and that we have offered amendments to enhance immigration enforcement resources. And as my good friend from Massachusetts has said, if our amendment is adopted, we would have 14,000 more detention beds today, 2,700 more immigration agents along the borders.

I went to the borders. I saw our Customs and Border Protection agents working 7 days a week, 24 hours a day. And when they have to have what we call a secondary inspection, when you stop a car and then you say it doesn't look right, you must send them to the other building for a secondary inspection. Do you know that there is nobody there because we don't have enough staff. So it befuddles me when my Republican colleagues come forward with these three separate bills that are already in the bills we passed and we can just go to conference right now. And that is why we are offering this previous question so that we can ensure that you know on the record that out of this we will get 230 more immigration agents; detain 250 U.S. marshal officers by 250; 25,000 more detention beds; and by 1,000 the number of investigators of fraudulent schemes and documents would increase.

None of this has happened. But on the other hand, we have three border bills that my friends on the other side of the aisle know for sure have poison pills. We are okay with the tunnel. Who wants to have our Nation exposed? But we want real border security, not forcing local jurisdictions to engage in civilian enforcement.

Let me remind you of the Canadian citizen who was mislabeled as a terrorist and sent wrongly to Syria. This bill has provisions to detain people indefinitely who may be just children, mothers, fathers who have been across the border for economic reasons. Of course we want to regulate this process and make sure that we address comprehensively the immigration concern. We want to ask and answer the questions of Americans.

But Democrats have gone on the record year after year, these bills represent a series of poison pills that, if
you read them, embedded in them is violations of the rule of law. The alien gang removal possibly will remove people who live in a house where a gang member is.

So we believe that you vet a bill so that the American people can have confidence in this process. And we have these bills already passed.

My friend is going to get up and show horrific pictures. I come from Texas. There is a drug war at the border, but I go to our border. I have friends at the border. I interact with the sheriffs and the mayors. There is also trade and jobs at the border. So they want a comprehensive approach. They want the bad guys arrested, drug dealers and smugglers, which we can do. Nobody here is talking about the Drug Enforcement Agency. Nobody is telling you that the Colombia cartels that were raging in the 1990s have been somewhat stomped out, and they moved to Mexico. Mexicans don’t want the drug violence. The Congress don’t want the drug violence going on.

But it is not an immigration issue. We need to secure the borders, but we don’t want to mix apples and oranges. We want to get rid of the alien smugglers, drug dealers, poison pills, and these bills are not the way to comprehensive immigration reform. I ask my colleagues to defeat the rule so the previous question can go forward.

I rise in opposition to House Rule H. Res. 1018, which provides for a closed rule on the Border Tunnel Prevention Act, H.R. 4830; the Community Protection Act, H.R. 6094; and the Immigration Law Enforcement Act, H.R. 6095. We need an Open Rule for these immigration bills so that they may properly be considered debated.

The Bush Administration has been in office for 6 years, and the majority has controlled Congress for more than 10 years, but only now, in an election year, have we begun to examine the need to address the critical need to fix our broken immigration security systems.

The House and Senate passed their bills on immigration reform and border security months ago. Under regular order, we should be appointing conference committees and engaging the process of reconciling the two bills. However, in a substantial deviation from normal practice, the House Majority Leadership decided to launch a traveling road-show of committee hearings in States across the country. The American people saw through this charade and concluded the hearings as a waste of time and taxpayer money, and the House Majority Leadership should have been focused on resolving the immigration problem in conference.

Now that it is September, and the nationwide hearings are over, the House Leadership continues to stoke its duty to conference with the Senate, hiding behind procedural hold-ups and creating busy-work by bringing these same provisions that were passed in H.R. 4437 last December to the floor again, just before the election.

Congress' majority has sought great fanfare and publicity for their supposed border security initiatives. But consistently, they have refused to fund these promises and have failed to carry out the security measures for which they seek public acclaim. The problem is that immigration has become about talk and show, and winning elections.

The majority has done nothing to pass real, meaningful immigration reform that addresses all needs—including the 12 million undocumented residents in our Nation. This Congress needs to pass an immigration bill that improves family reunification policies, and reforms to the non-functional workplace enforcement, in addition to the critically needed border security and enforcement enhancements.

We know that 5 years after 9-11, the Bush Administration still does not have any control over the borders. If the Bush Administration had properly secured the border, we would not be facing the security issue of millions of unknown people in our country.

If the Bush Administration had enforced the workplace laws, we wouldn’t have more than 7 million undocumented aliens working in the United States.

If Congress had funded the 9-11 Commission’s recommendations or conducted proper oversight, we would not be voting on these same enforcement provisions for the second time. The House and Senate Conference is hammering out a compromise with the Senate as we were elected to do.

When we bring these bills to the floor, bills which we held no hearings on, which did not go through committee, we owe the American people a comprehensive debate. We must have an Open Rule and an opportunity to debate our Amendments in the Nature of a Substitute to address the real needs of immigration and border security reform.

I urge you to vote against House Rule H. Res. 1018.

Mr. GINGRICH said, Madam Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. ROYCE), who, in his capacity as chairman of the Subcommittee on International Terrorism and Nonproliferation, held hearings in August.

Mr. ROYCE said, Madam Speaker, I rise in support of this rule.

We do have a philosophical disagreement over open borders. Some of us support open borders. We do have a philosophical disagreement over a massive amnesty. Some of us believe that massive amnesty in 1986 made the situation worse. That is why we don’t want to go forward with another amnesty of that type.

Let me say I did chair the hearings in San Diego and in Texas. I toured that border with local law enforcement and immigration officials. I heard their arguments in favor of putting up that border fence and their arguments about doing something about these tunnels. This was a tunnel that was six ballfields long. I went through this tunnel. Contraband was trafficked illegally over these cement floors, under electric lighting. The tunnel had water pumps, full ventilation, and a system of pulleys through it. There have been other tunnels discovered since. I don’t believe in open borders. We are going to criminalize the action of putting up this fence. We are also, with the Immigration Law Enforcement Act, we are going to allow local law enforcement, and there are 700,000 local law enforcement.
in today is a sham, and we should de-
feat the previous question and defeat
the rule and go to comprehensive im-
migration reform by going to con-
ference and doing it the way it has to
be done in order to have a law be
passed in this country.
Mr. GINGREY. Mr. Speaker, I am
proud to yield 1½ minutes to the gen-
tleman from Arizona (Mr. HAYWORTH), a
member of the Ways and Means Com-
mittee.
Mr. HAYWORTH. Mr. Speaker, my
colleagues, I rise in strong support of
the rule and the legislation. Let me
start with this observation.
With all due respect to my colleague
from Massachusetts, it is never a sham
when we come to the people’s House
with legitimately different points of
view to be articulated. That is the
strength of our constitutional Repub-
lic.
And to my other friend from Massa-
chusetts managing the rule for the
Democratic side, I really suggest that
this is not a Republican problem or a
Democratic problem, it is an
American problem.
Now, with the preceding speaker, I
take great exception to the notion that
Earth has a government. I appre-
ciate the delineation of process, and
following that logic, let’s make this
point. What we do in process is
prioritize.
I, for example, have a provision in
the underlying legislation that deals
with outlawing the tunnels, which is
not a crime, believe it or not. This is
a reasonable and necessary action. This
is a reasonable and necessary action to
be taken.
My friend from Texas got up and
spoke about a bill that had passed
through the Senate dealing with a
fence. The problem was that in the
final bill passed by the Senate, there
was a provision to ask for the Mexican
Government to have such a fence. 
Clearly that doesn’t sit well with the
American people.
Although my friends lament taking
the hearings to the people out of Wash-
ington, D.C., it is exactly what we
should have done. We have heard from
the people. Support the rule and the
legislation. Let’s make these tunnels
illegal, let’s strengthen the border, and
we can do it for America, not for either
political party.
Mr. MCGOVERN. Mr. Speaker. I
would just respond to the gentleman
that I think he has conceded that this
is a sham by virtue of the fact that it
is being brought up under a closed rule,
and it is.
Mr. Speaker. I reserve the balance of
my time.
Mr. GINGREY. Mr. Speaker, I yield 2
minutes to the gentlewoman from Flori-
da (Ms. GINNY BROWN-WAITE).
Ms. GINNY BROWN-WAITE of Flori-
da. Mr. Speaker. I rise today in strong
support of the rule for H.R. 4890, the
Border Tunnel Prevention Act. Our Na-
tion’s border security is essential to
having effective homeland security.
However, since September 11, 2001, for-
eigners have breached our borders with
no less than 38 tunnels, and these are
only the tunnels about which we know.
During July I was at a veterans’ post
in Florida in my district, and a gen-
tleman had this shirt on. This, ladies
and gentlemen, is a masquerade. They
want the borders closed. They want to
make sure that people are not enter-
ing into our country illegally, ei-
ther crossing the borders or via the
tunnels.
We all know that coyotes use them
to bring illegal aliens into the United
States, bypassing our legal immigra-
tion system.
Listen up, America. Congress should
not ignore these consistent breaches of
our security.
And that is what the bill before us is
all about. The bill before us will do just
that. That is one reason why we abso-
lutely need to pass this rule, because
we need to make it a crime to build or
finance an unauthorized tunnel into the
United States.
I urge my colleagues to support the
rule and the underlying bill.
Mr. MCGOVERN. Mr. Speaker. I yield
myself the balance of my time.
I hope that all Members will join me
and vote “no” on the previous question
so I can amend the rule and allow the
House to consider an amendment by
Representative JACKSON-Lee that
would really take on the issue of bor-
der security rather than just pay it lip
service. The proposal would amend
H.R. 6095 to equip the Department of
Homeland Security with the resources
the 9/11 Commission says we need to se-
cure our borders, to shut down the
alien smuggling business, and to catch
and hold illegal immigrants entering our
country.
Mr. Speaker, I ask unanimous con-
sent to print the text of the amend-
ment and extraneous materials imme-
diately prior to the vote on the pre-
vious question.
The SPEAKER pro tempore (Mr.
WAMP). Is there objection to the re-
quest of the gentleman from Massachu-
setts?
There was no objection.
Mr. MCGOVERN. Mr. Speaker, the
Republican majority in this House con-
tinues to approach border security and
immigration control in its usual inef-
fective and piecemeal approach, put-
ting election-year politics ahead of real
and responsible solutions. Republicans
are big talkers when it comes to border
security and immigration reform, but
they have never been willing to put
their money where their mouth is. The
bills we will consider on the House
floor today are more of the same. This
debate and these bills are supposed to
remind voters that Republicans are some-
how tough on immigration, but in real-
ity they just remind all of us that Repub-
licans have not been able to make any
progress on the urgent issue of border
security.
So I urge all Members of this body to vote “no” on the previous question so that we can bring up this amendment to actually do something about the problems on our Nation’s borders instead of just talking about it.

The 9/11 Commission has given this Congress a mandate to build a radiation detector when it comes to homeland security, and we have a particularly low grade when it comes to protecting our borders. Let us not only do the right thing. Let us do something that is real.

People are cynical. They are tired of politics as usual in this House. They are tired of these last-minute bills that come up before elections to somehow imply that we are doing something when we are not. We have a serious problem on our borders. We need serious action. This is not serious action.

I urge my colleagues to vote “no” on the previous question. If that vote does not prevail, vote “no” on a closed rule. If these issues are important, we should not amend these bills. We need a little democracy in this House. Let’s get this right.

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

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I want to once again thank Chairmen SENSENBRINNER, Chairman DRIEHER, and the House leadership for continuing the debate in favor of securing our borders. The pattern in recent years has been to address the issue of immigration and border security once a decade. In 1986 we had an immigration reform bill. In 1996 we had an immigration reform bill. But the results at best were mixed, and this year we have yet another opportunity to get it right. Ninety percent of the American people are demanding that we secure our borders and secure our borders now.

The legislation offered under this rule does not leave current agents detail and apprehend criminals, not just those crossing in search of work, Mr. Speaker, but truly dangerous individuals as well. Security on our borders remains a crisis. Our agents on the border need our help. Our constituents are forcefully voicing their support for immigration reform, with an emphasis on border security.

And I ask my colleagues, please support this rule and the underlying bills so we can work to solve this problem and solve it now.

Mr. UDALL of Colorado. Mr. Speaker, it’s often said legislating is like making sausage—stuffing various ingredients into one product. But sometimes it’s more like slicing salami—cutting something into pieces, to be swallowed one at a time.

Today, the Republican leadership clearly has decided that sliced salami will be the blue plate special, and that there can be no changes or substitutions. They are saying they favor a piecemeal approach to immigration reform and are more interested in political posturing than in trying to enact legislation that will meet all the challenges involved in strengthening our borders, reducing illegal immigration, and addressing the status of illegal immigrants now in the United States.

So they have cut three pieces off the immigration bill the House passed last year, and are bringing them to the floor under this rule which prohibits us from even debating any amendments or offering any additions to the menu.

In other words, it’s take it or leave it, and forget about trying to make any improvements—just like it was with last week’s serving, the bill for 730 miles of high-price fencing along the border. I think that is wrong, and I cannot support that procedure.

However, I will vote for the three separate bills covered by this rule, because while I have some concerns about some of their provisions, on balance I think they would improve current law and policies.

That was why last year I voted for H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, the overall bill from which today’s bills have been sliced.

Among other ingredients, that bill also included provisions added by the amendment by my colleague from California, Mr. HUNTER. As I mentioned, those provisions were sliced off last week and served up as H.R. 6061, the so-called Secure Fence Act.

I am not opposed to the construction of fencing and other barriers along our borders, but I am not convinced Members of Congress should attempt to substitute our judgment about technical questions of engineering and law enforcement for the expertise of those responsible for border security.

I voted against the Hunter amendment, and against H.R. 6061, because Immigration and Customs Enforcement (ICE) authorities—those with the most experience in border security have not requested such a mandated expenditure, and in fact, have expressed a preference for different resources and tools to do their job. Moreover, I am skeptical that the kind of fence-building mandated by the Hunter amendment and H.R. 6061 is a cost-effective response to the problem of illegal entries into the United States.

According to the Department of Homeland Security, about 730 miles of new fencing would be required by H.R. 6061. They say that it costs about $4.4 million for a single layer of fencing per mile—but the bill calls for double-fencing, which costs more, and also for building all-weather roads in the middle. So, using a conservative estimate of $9 million a mile, it would cost nearly $6.6 billion to build the 730 mile fence called for in H.R. 6061.

I think it would be better from Congress to resist the temptation to micro-manage the Department of Homeland Security and instead to allow it the discretion to spend those billions of dollars on a variety of measures—fences in some places and other kinds of barriers in other places, plus other technology and increased border patrol manpower—just what I see in place, based on experience and expertise, will do the best job of securing the border.

And if those steps turned out to cost less than 730 miles of double fencing, the Department could put the rest of the money to good use.

For example, $2 billion would pay for the 35,000 detention beds called for the Intelligence Reform and Terrorism Prevention Act of 2004 (the 9/11 Act) that are needed to implement the ending of the so-called catch and release of illegal aliens apprehended after they cross the border. It would take only $360 million to hire, train and equip 2,000 border patrol agents, while $400 million, 250 more port-of-entry inspectors and 25 percent more canine detection teams could be added to the field. And for $400 million every U.S. port of entry can now have a radiation detector, so that all incoming cargo can be screened to detect nuclear or radiological material.

The three bills we will consider today are not perfect, but they are less problematic and I will vote for them.

H.R. 4830, the Border Tunnel Prevention Act would establish new criminal penalties for people involved with constructing illegal tunnels beneath our borders, including those who knowingly finance such actions, with particularly severe penalties for using such tunnels to smuggle illegal immigrants, drugs, weapons of mass destruction or other illegal goods into the United States. I strongly support this strengthening of current law.

H.R. 6094, called the Community Protection and Anti-Terrorism Act and corresponding Senate bill, I supported last year, would allow for longer detentions of illegal aliens prior to deportation if they have refused to comply with deportation proceedings, pose a threat to community safety or public health, because they have a highly communicable disease, or if their release might present a danger to national security. In addition, it would centralize judicial review of legal challenges to the detention of illegal immigrants—something that I think is of dubious value but not so bad as to outweigh the rest of the legislation.

Further, the bill would explicitly bar admission to the United States of members of criminal street gangs, allow the deportation of illegal aliens who belong to gangs convicted of threatening or attempting crimes, and requires that they be held in detention prior to deportation and makes criminal street gang members ineligible to receive asylum or temporary protected status. I strongly support these provisions, because criminal street gangs whose members include illegal aliens are a serious and growing problem in too many communities.

Finally—for today, at least—H.R. 6095, the Immigration Law Enforcement Act would establish new procedures to speed resolution of lawsuits brought against the Federal Government that are based on the implementation of this legislation and require the Justice Department to hire more people to prosecute human smuggling cases.

It also includes language reaffirming the existing inherent authority of the States, their political subdivisions, such as counties or cities, and their law-enforcement agencies to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States . . . for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out their duties. I find this acceptable because the bill says “Nothing in this section shall be construed to require law enforcement personnel of a State or political subdivision of a State to—(1) report the identity of a victim of,
or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or (2) arrest such victim or witness for a violation the immigration laws of the United States.”

In other words, this is not a mandate and will not authorize the Attorney General or the local government to decide whether and how it will undertake to respond to questions of immigration law and policy, matters which are essentially the responsibility of the federal government.

Mr. Speaker, nobody should think that passing these bills today—something I support—will come close to completing the work that Congress needs to do regarding immigration.

This plateful of slices is not even the full salmon the House passed last year—a bill that, by itself, dealt with only part of the full menu of issues that must be addressed.

I voted for that bill because I think improving border security is absolutely necessary. But I am convinced it is not sufficient.

It does not address the most difficult and challenging aspect of immigration reform, namely the question of how to deal humanely and effectively with the millions of illegal immigrants currently living and working in this country or the difficulties that their employers including many Colorado companies that have contacted me—during the transition to a changing that may follow revisions in current immigration laws.

As we all know, the Senate has passed what its supporters—including President Bush—say is intended to be a comprehensive immigration reform measure. We should follow their lead.

Following the Senate’s lead does not mean simply accepting their bill as it stands. I think that would be a mistake, because I think that bill has defects that must be remedied. Instead, it means recognizing the full dimensions of the problems that must be addressed and the need to address them without unnecessary delay. It means appointing House conferees and directing them to meet with their counterparts from the other body to resolve differences and shape a final, comprehensive bill that addresses the problems in a way that is in the best interests of our country and the American people.

If that effort succeeds—as I think it can and am convinced it must—the result not only will be better than any of the bills before us today, it will be better than either the bill we passed last year or the bill that the Senate passed earlier this year and in fact will deserve to be sent to the President for signing into law.

Mr. FARR. Mr. Speaker, how long will the Republican Majority continue to bring to this House rehashed piecemeal legislation that purports to fix the immigration crisis in our country?

H.R. 4830, H.R. 6094 and H.R. 6095 are not real reform. In fact, these bills are largely a repackaging of previously enacted bills dressed up to look like the Republicans are serious about immigration reform. Higher monetary and sentencing penalties, more enforcement and the usurping of due process are all tactics that have been tried throughout the years and have brought us to the situation we find ourselves today. The American people are being asked to pass these three Republican bills will prevent illegal immigrants from entering our country. I cannot in good conscience vote for these three bills not because

I don’t want to stop illegal immigration but because they are hollow authorizations without any funding to implement them. What we should be voting on and what I would support is the implementation of the 9/11 Commission immigration recommendations which I have voted for seven times in Committee on the Floor. Those seven votes would have authorized and funded thousands of new immigration agents and detention beds. Instead we are voting to impose a huge unfunded mandate in our local law enforcement by deputizing them to do our work. If the President’s leadership in the House and Senate want real immigration reform, they need to fully fund all the immigration agents, detention officers as called for by the 9/11 Commission report.

I do not support illegal immigration and believe that anyone who enters the US in violation of US immigration laws should be penalized. But our country is in need of an immigration policy that accounts for the fears 9/11 instilled, in addition to the hope that immigrants bring to our nation.

Immigration reform should include family reunification, asylum and refugee admissions, and employment-based immigration. It must be compassionate and humanitarian and strike the delicate balance between American jobs, our border safety and national security interests.

H.R. 4830, H.R. 6094, and H.R. 6095 do none of this.

I urge a “no” vote on these bills.

Mr. VAN HOLLEN. Mr. Speaker, I stand to explain my vote on these immigration bills that this Congress considered today.

I applaud our decision to pass the Border Tunnel Prevention Act (H.R. 4830), which would make it illegal for any person to build or finance a cross-border tunnel and for any person to use such a tunnel to smuggle drugs, weapons, or undocumented immigrants. These tunnels have become remarkably sophisticated ways for lawbreakers to enter our country, and I strongly support this bill to ban their construction and use. This is, at least, a small step to better border patrol.

But though we took one small step forward today, it is not enough. Instead of working on real reform, we passed the so-called “Community Protection Act” (H.R. 6094). This bill is not about protection; it is about election-year scare tactics and fear mongering.

We need to fight crime and we need to deport criminals. But we can already do that. This bill does not deal with people who are in our country illegally. We can already deport individuals who are here illegally. Nor does this bill relate to non-US citizens who are legally in the United States but commit a crime. We can already deport gang members and any foreign national who is convicted of a crime ranging from murder to shoplifting. This bill gives the Attorney General of the United States the unprecedented power to deport legal immigrants who have not committed any crime. It gives the Attorney General of the United States the unprecedented power to declare any group a gang. And it gives the Department of Homeland Security the unprecedented power to deport non-citizens who are legally residing in the United States if they declare, without any due process, that such an individual is a member of those groups. This means the Department of Homeland Security can deport a legal immigrant who has obeyed all of our laws.

This bill violates our First Amendment right of association and our Fifth Amendment right to be treated as individuals and not as guilty by association.

This bill also has an expedited removal process that severely curtails due process and could lead to erroneous removal of people who should not have been deported. This includes U.S. citizens who cannot provide proof of citizenship in the seven-day window, or someone unclear and eligible for asylum who cannot build their case in time.

We all want to stop gang violence. It is an insidious problem in my district and in the districts of many of my colleagues. But we already have laws to deport criminals. We need to stop wasting time passing laws we don’t need to deport people who aren’t committing crimes and start working on real solutions to solve gang violence.

Unfortunately, it seems this Congress consistently passes laws that allow us to avoid real reform. The misnamed “Immigration Law Enforcement Act” (H.R. 6095) also passed today, is one such example. This bill should be renamed the “Pass the Buck for Immigration Law Enforcement Act.” While it claims to simply “reaffirm” the authority of states to enforce immigration law, it actually strips local law enforcement from their most important job—safeguarding our communities—and forces them to do the job that this Congress has repeatedly failed to do. We should enact real reform to our immigration reform; instead, we are passing the buck to our local communities and, without direction or funding, making them carry out complicated immigration enforcement. Enforcement of our immigration laws is a federal responsibility. Let’s not shirk that responsibility.

The Montgomery County and Prince George’s County Police in my district are opposed to this legislation. They do not have the time or the resources to handle the increased workload that immigration enforcement brings.

It is not their job. It is the job of the federal government. And we need to do our job. If we abdicate our responsibility on vital issues, we are failing the American people. Moreover, it is impossible to make our local law enforcement forces them to do the job that this Congress was elected to do? When are we going to start protecting our community; it is about important issues.

I want to be clear—I believe that we should have tougher enforcement and we need to fix our immigration laws. But we need to do it in a way that makes sense. And it does not make sense to pass the buck to local communities. This is another unfunded mandate from a Congress that repeatedly fails to seriously address the important issues.

So today this Congress has approved a bill that creates a law we don’t need to punish those who don’t break the law and a bill that passes the buck to local law enforcement. When is Congress going to do the work we were elected to do? When are we going to pass real immigration reform and real security instead of superficial band-aid bills? It’s time to stop playing politics, and to start protecting our borders.

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

PREVIOUS QUESTION ON H. RES. 1018, RULE FOR: H.R. 4830—BORDER TUNNEL PREVENTION ACT, H.R. 6094—COMMUNITY PROTECTION ACT, H.R. 6095—IMMIGRATION LAW ENFORCEMENT ACT

In the Section 3 of the resolution strike “(2) and insert the following:”
"(2) the amendment printed in Section 4 of this resolution if offered by Representative Jackson Lee or a designee, which shall be in order without intervention of any point of order, and if the resolution of the point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and

At the end of the resolution add the following new section:

"Sec. 4. The amendment to H.R. 6098 referred to in Section 3 is as follows:

Insert the following in section 201(a):

`(d) A DDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 12, as follows:

Mr. MOGGERN. Mr. Speaker, I object to the vote on the ground that the point of order that a quorum is not present. The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 108 will be followed by 5-minute votes on defeating the resolution, and suspending the rules and passing S. 418.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 12, as follows:

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H6860 CONGRESSIONAL RECORD—HOUSE September 21, 2006
NAY—195

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Beccera
Belcher
Boswell
Boren
Boxer
Bouck
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Caucasus
Cubin

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 462]

AYES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett
Bartlett (MD)
Barrow
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boucher
Boehner
Bolton
Boozman
Boustany
Bradley (NE)
Brady (TX)
Brown (SC)
Brown-Waite
Burgess
Burton (IN)
Calvert
Camp (MD)
Campbell (CA)
Cannon
Cantor
Capito
Carson
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Culbertson
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
Delahunt
Delaney
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Einhorn
Ehlers
Elcon
Elsener
Engel
Emanuel
Etheridge
Evans
Farr
Fallin
Ford
Frank (MA)
Gonzalez
Gordon
Green, Alan

Not VOTING—12

Brown (OH)
Capuano
Case
Cubin

Not VOTING—12

Gohmert
Gohmert
Gonzalez
Gonzalez
Gordon
Green, Alan

NOS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Beccera
Belcher
Boswell
Boren
Boyer
Bradley (PA)
Brown, Corrine
Butterfield
Capuano
Caucasus
Cubin

Messrs. OBERRY, HOLDEN, GEORGE MILLER of California, DICKS and HOLT changed their vote from "aye" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:
Mr. KIRK. Mr. Speaker, on rollcall No. 461 I was unavoidably detainled. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the resolution.
This will be a 5-minute vote.

Mr. BILIRAKIS. Mr. Speaker, I did not have the opportunity to cast a recorded vote on S. 418. Had I been present, I would have voted "yea."

BORDER TUNNEL PREVENTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) of any construction or use of a tunnel or subterranean passageway between the United States and another country, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4830

SEC. 1. SHORT TITLE.

This Act may be cited as the "Border Tunnel Prevention Act of 2006."

SEC. 2. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be imprisoned for not more than 10 years.

"(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) to make unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to the penalty that would otherwise have been imposed had the unlawful activity not made use of such a tunnel or passage."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages."
September 21, 2006

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H6863

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;
(5) make any necessary and conforming changes to the existing sentencing guidelines and policy statements; and
(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore (Mrs. Emerson). Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Maryland (Mr. Conyers) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBERN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4830, currently under consideration.

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

There was no objection.

Mr. SENSENBERN. Madam Speaker, I yield myself such time as I may consume in support of this bill.

Madam Speaker, I rise in support of H.R. 4830, the Border Tunnel Prevention Act of 2006, to prohibit the construction and use of border tunnels for the purposes of smuggling.

Porcelain humidifiers, drug cartels and "coyotes" have used border tunnels to smuggle elicit drugs and illegal immigrants into the United States. Border tunnels range from rudimentary gofer holes to more sophisticated tunnels equipped with electricity, ventilation and even rails for electric carts. These tunnels have been used to penetrate both our northern and southern borders. Fifty tunnels have been discovered along the southwest border since 1990 and 36 of them have been unearthed in just the last 5 years.

This January, a joint investigation between the U.S. and Mexican law enforcement led to the discovery of a narcotics smuggling tunnel just east of the Otay Mesa, California, port of entry. Authorities seized nearly two tons of marijuana. The tunnel, approximately 86 feet deep and nearly three-quarters of a mile long, began inside a small warehouse in Otay Mesa, California, and ended inside a vacant warehouse in San Diego, California.

In 2005, Federal agents discovered a 360-foot tunnel between British Columbia, Canada, and Washington State. This tunnel was also used for illegal drug trafficking, though DEA agents noticed that it could easily have been used to smuggle persons or to facilitate terrorism. We were reminded again of the growing problem just a few days ago when another drug smuggling border tunnel was discovered between California and Mexico.

Despite the clearly illegal purposes of these border tunnels, efforts to fully and effectively prosecute the smugglers are hampered by the fact that it is not a crime to construct, finance, or use a border tunnel. If there is insufficient evidence to prosecute these individuals for drug smuggling or alien trafficking, there are virtually no consequences for the criminal organizations that build and use these tunnels.

The Border Tunnel Prevention Act closes this glaring loophole. The bill criminalizes the construction or financing of a tunnel or subterranean passage across our international border. An individual prosecuted under this offense faces a penalty of up to 20 years in prison. Additionally, any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods will be punished by doubling the sentence for the underlying offense.

The bill also provides for the forfeiture of assets or property traceable to the construction or use of a border tunnel and instructs the sentencing commission to adopt guidelines that properly reflect the severity of this offense.

Madam Speaker, the bill is supported by Members from both sides of the aisle. This legislation provides a critical tool for protecting our national security and combating the drug and alien smuggling that plagues our borders. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Mississippi (Mr. Thompson), the ranking member of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Madam Speaker, it is with great disappointment that I stand before you today to discuss a bill that fails once again to provide us with a comprehensive approach to handling border security.

Last week, Republicans introduced a border fence bill which was exactly what they voted against in December 2005. Today we are going to discuss three bills already considered by this Congress that build and use these tunnels.

The Border Tunnel Prevention Act would have moved forward with a border fence bill which was exactly right for securing our borders. Meanwhile, on September 15, DEA agents discovered another tunnel located beneath a residence in Calexico, California, and extending approximately 400 feet to a residence in Mexicali, Mexico.

We are spending $1.5 billion per week in Iraq, but the Republican leadership will not even commit to funding to secure our Nation's borders.

Democrats do not want to pass the buck on State and local governments to enforce immigration laws simply while the Republican-led Congress and administration fail to properly fund border security officers. States and localities are already robbing Peter to pay Paul by using a huge amount of their homeland security grant funding to secure the border, purchase communications equipment, and fortify border ports of entry.

Democrats do not want to stay the course on President Bush and the Republicans' failed border enforcement.

Madam Speaker, we need a comprehensive border security and immigration plan, not a piecemeal plan.

Mr. SENSENBERN. Madam Speaker, I yield myself 1 ½ minutes.

Madam Speaker, we hear complaints all the time about the fact that Republicans are not acting. We are acting today. We acted inacted last week on the fence. We see the Democrat actions. All they do is say no, no, no, no.

They are not where the American people are. They are not where our priorities ought to be. The Senate has not messaged their bill, even though they passed it in May. We are running out of time in this Congress. The American people say border security first.

Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. Hayworth).

Mr. HAYWORTH. Madam Speaker, I thank the chairman of the Judiciary Committee for the recognition.
I come to the well of the House to politely but profoundly take issue with my friend from Mississippi. You see, party labels do not ensure unanimity any more than trying to cast the challenge we confront as a people through a partisan prism. I come to the floor of this House to reiterate the basic concern confronting us. The problem we are dealing with at the border is not a Democratic problem. It is not a Republican problem. It is an American problem. And, Madam Speaker, I take issue with my friend from Mississippi when he says a comprehensive approach is needed.

The trouble with that notion is that despite the goodwill and best intentions of many, regardless of party affiliation, so-called comprehensive reform subordinates the first and most basic responsibility of government, protection of our citizens to an economic exception of amnesty and special considerations for noncitizens. To be frank, before the House today, which I am proud to bring forward, again from bipartisan concerns, as noted earlier in another debate, the chairman of the Rules Committee mentioned that it was bipartisan, the senior Senator from this State happens to be a Democrat, working with the chairman of the Rules Committee, a Republican; my junior Senator from my State, working with me on this because it is an American problem. The chairman pointed out that there is currently a hole in the law as genuine as some of the holes in our border.

We have to criminalize the financing and construction of border-crossing tunnels that currently serve as smuggler subways and actually promote illegal access to our country. The chairman delineated the threat. Now we see contraband, we see narcotics brought through these tunnels, but the real question before this House and before the American people is this: If narcotics can be smuggled, what of a weapon of mass destruction? Just as assuredly as the House passed the fence bill last week and the other Chamber takes it up in the coming days to move forward, believe me, there will be intense and renewed interest in using subterranean facilities.

We must pass this bill today as part and parcel of what the American people are calling for, and they are calling for enforcement first. Pass this legislation. Let’s get this done.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

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

Mr. CONYERS. While my neighbor and friend J.D. HAYWORTH is on the floor, let me gain his attention for just a moment. I am sorry that you do not want a comprehensive bill. Most people do in the Congress. And I would like you to respond to this inquiry: Were there hearings held on this bill in the Homeland Security Committee?

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I am not a custodian of the hearing record in the House of Representatives, any more than the gentleman is, no matter the——

Mr. CONYERS. So, in other words, you do not know.

Mr. HAYWORTH. Would the gentleman let me attempt to answer the question?

Mr. CONYERS. No. Let us ask the gentleman another question——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The SPEAKER pro tempore, Mr. HAYWORTH, pro tempore. Will the gentleman suspend?

Mr. CONYERS. Yes, ma’am.

The SPEAKER pro tempore. The gentleman from Arizona has the time.

Mr. HAYWORTH. Madam Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Madam Speaker, thank you.

That was for your benefit.

Now, let me ask you another question. Were there Judiciary hearings, even though you are not a custodian of the record? Well, I can answer that one for you. I think you ought to listen to the one in which the Speaker has a little bit more. You cannot speak on the floor. I know you have been here a while. You cannot interrupt a speaker unless you are yielded to. And I would——

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I would be very happy to yield to answer your question.

Mr. HAYWORTH. Madam Speaker, I would answer his question with an interrogative of my own. Is the gentleman from Michigan a Democrat?

Mr. CONYERS. Yes, it is.

Mr. HAYWORTH. If narcotics can be smuggled, what of a weapon of mass destruction? Just as assuredly as the House passed the fence bill last week and the other Chamber takes it up in the coming days to move forward, believe me, there will be intense and renewed interest in using subterranean facilities.

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Off the House Floor:

Rep. Pete Sessions, R-Texas, answered Mr. SOUDER.

Mr. SOUDER. Mrs. Pelosi.

Mrs. Pelosi.Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER asked and was given permission to revise and extend his remarks.

Mr. SOUDER. Madam Speaker, first off, I have had hearings on this very subject, not as a whole, but because certain gentlemen may only be absorbed in their own realm and may not
realize that there is a narcotics subcommitteecommittee on drug policy and criminal justice. We have had multiple hearings on the border over the past few years, multiple.

It has been brought to the attention in a fair number of times about this problem with tunnels, and I am thrilled that the Judiciary Committee chairman has brought this bill. There have been 50 of these tunnels, 51 now with the new one just recently. There is a huge problem in the narcotics area.

The issue is primarily an issue in the narcotics area is because of the cost of building these tunnels, because of the engineering, particularly the ones with lighting and ventilation, that go between warehouse to warehouse is so expensive, that you basically want to use it for high-dollar items. The high-dollar items are usually cocaine, heroin, marijuana. Narcoterrorism on the major streets in the United States is coming through these tunnels. It is about time we dealt with this subject.

Furthermore, it appears, and the DEA believes, that the people who engineer and design these tunnels are then murdered afterwards, and sometimes work night and day. The one in January was a larger one and appeared to be working night and day and were discovered; other ones they would only bring open for high-value targets to move through.

Now, a high-value target is in the eyes of the person willing to pay. Yes, cocaine, heroin, and those are the general things moved through, but a high-value target can also be a terrorist. A high-value target can also be someone who is dealing with chemical, biological, or nuclear weapons, because they are willing to pay the amount to move through those tunnels. It is more than worth it to the person who built the tunnel to recoup their costs.

This is extremely important. It is a loophole in the law that we need to address.

I also serve on the border subcommittee on Homeland Security. The fact is we are making progress. We are stopping these people. The fact is the DEA, through their hard effort, have found 51 of these tunnels. What we need is a law that holds the people accountable who have done this, and it is that we cannot sit around and wait for the Senate to come back on all this kind of stuff. They have done now, and the border needs to be secured.

I favor looking at comprehensive, but first seal this border. I thank the chairman for his leadership.

Mr. Speaker, given the more vigorous efforts in recent years to intercept drug traffickers on the high seas, drug-trafficking organizations (DTOs) have clearly shifted their operations to the U.S.-Mexico border. The vast bulk of these drugs are smuggled through the ports of entry and into a lesser extent—between legitimate area. Some illegal shipments are difficult to intercept, in part due to the enormous volume of legitimate traffic of people and goods at these locations. But recent discoveries of sub-terranean tunnels crossing the border point to the problem of a growing sophistication and determination of the DTOs to inflict their deadly product on the people of this country, regardless of expense and labor.

As the lead Federal agency tasked with bringing criminals and the products of their illegal trade to justice, the Drug Enforcement Administration (DEA) is well aware of this threat and has worked ceaselessly to counter it. Working with their Federal, State, local and foreign counterparts, the DEA has worked hard to develop a collaborative stance to counter this threat. They will provide information leading to the discovery of more of these tunnels.

It is evident from the size and sophistication of recently discovered tunnels that they are linked to some of the largest and most ruthless DTOs operating along our borders. Financial resources to construct and operate these tunnels cost millions of dollars, which are only available to these large-scale organizations.

It has been brought to the attention that the DEA’s investigation determined that the tunnel—which was equipped with electric lighting and ventilation—had probably been operating since November and had cost hundreds of millions of dollars to construct. The DEA has taken steps to ensure the tunnel is not used again.

A 3,000-foot-long tunnel was discovered by the DEA and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas, Madam Speaker, as we have seen, the DEA has been waging a valiant defense, if you will, of the ongoing efforts that we have made to confront this issue.

I might take some of my time to correct the record. A good friend of mine and I were just here on the floor did not want to answer some very simple questions. And you need not be the custodian of any records to know whether there have been specific hearings in the Homeland Security Committee on these bills. I am a member of that committee, and the answer is absolutely not. That is regular order. We do that not to hear ourselves talk; we do that so the American people can have a truly vetted bill that really addresses the question that you are concerned. When, if we know whether they have been in front of the Judiciary Committee, they have not. So we have not had an opportunity to determine the concreteness, if you will, of these bills and whether or not they work.

The other aspect of it, let me let you attend to this factor, these are authorizing bills. None of these will go anywhere if they are not appropriated, if there are funds that are not appropriated. And that has been the general issue.

I listened to the eloquence of my friend from Indiana, and I agree with...
him. There is no debate here on the floor regarding the criminalizing of those who build a tunnel. That is a commonsense, no-debate question. If you have a tunnel, and those who build it, many of the individuals who do it are coming across for criminal reasons, drug dealing others, then we should have some response.

But what we do today is only isolated today. There is no question that we have delayed and delayed and delayed and delay, in this House and this Senate and this body. We have delayed it because we passed 2, 3, 4, months ago comprehensive immigration reform. You may not have liked the bill out of the House, you may have voted for it or voted against it, but it did pass. You may not have liked the Senate bill. You may have voted ‘yes’ or ‘no,’” but it passed. Regular order.

And I want to correct the record. Over and over again we hear: we can’t do our job because they haven’t sent papers over. The question is, did they not send papers on the Iraq resolution and we didn’t resolve it? Did they not send papers on the Medicare bill? This is a paper response. This is a straw man’s response.

Let me tell you what is being discussed. In the Senate bill there are what we call fee enhancers or tax provisions. The only authorizing entity that can increase taxes is the United States House of Representatives. Now, isn’t it interesting that the House is controlled by Republicans. The Senate is controlled by Republicans. So, in essence, the Republicans can get together and work it out.

They want to have this conflict because, in fact, one of the Members here, it is alleged, in the House side would blue slip the Senate bill, this is all complicated, and that means they would stop it from going to conference. All of that can be worked out, my friends. It is as simple as a playground squabble between siblings. And we know that it can be worked out. Mother can come to the playground, teacher can stop the siblings. But they want to use that as an excuse so they can frustrate the process and make the American people think we are doing our job.

Even if we pass this bill, which I think it is almost going to be quite a big vote because we are arguing against nothing and we are arguing against that, of course it is handled in, if you will, in conference, there is no money. There is no money to do some of the things that many of these bills will be engaged in. And, frankly, that is why we come to the floor with these complaints.

Why do comprehensive immigration reform, get ourselves in a posture to be able to appropriate immediately even in this session the dollars that we will need to fund comprehensive reform? The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels across the border illegally. It will not secure our borders. It is not the only thing. I have seen tunnels, I want them to be thwarted, and I want to make sure we have a system of protection of our borders. And, frankly, we have failed. We have failed that we don’t have enough Customs and Border Protection agents so they would come through the northern border and we note something suspicious and we are at the port of entry and we are in the outside area, there is not enough Custom and Border Protection agents that are there for secondary inspection. That is shame on us.

This Congress, this Republican Congress, has refuted time and time again Democratic amendments that would have generated 14,000 detention beds, increased U.S. marshals, increased Border Patrol agents. It is all falling at the feet of this majority. Now they want to rush to the floor bills that have already been passed, but yet we haven’t had any hearings to suggest that there might be some additions we should consider? I might be so so, so so we couldn’t give you any enhanced, maybe we want to have immediate 100,000 detention beds. We couldn’t even offer an amendment.

So, my friends, I simply want to suggest as those distinguished ranking members, and I want to thank him for his leadership, he has attended and been eloquent at the field hearings. And I think he would agree with me, in the ones that both of us have attended we were there jointly, if you will. When I say that, we were looking for the people in Detroit, we were looking for the people in Iowa, we are looking for the people in New York; and all we had were witnesses. We appreciate those witnesses, who had been here over and over again in testimony in Washington. So when my good friend the chairman speaks about, and others about, these hearings, let me make it very clear. Whether you were against or for prosecution, you were outside the room or you were in the audience. You were not witnesses. I mean, I went to many and there were protestors for and against. We didn’t let them speak. And so it is disingenuous to suggest that these hearings heard anything from America.

When I went to Iowa, every single religious leader, bishops of the Lutheran Church, of the Methodist Church, and many others stood against the House bill and we supported the House bill. And in Houston, the chairman there played a 1992 tape about violence at the border. Couldn’t have even have current information.

Lastly, as I close, I have been working on this drug issue and drug violence for a number of years. I sit on the Subcommittee on Crime. I have toured the Caribbean and seen some of the work of our DEA agents. It is unfortunate that we mix drug violence at the border, which does occur, and we need to fund our enforcement agents with this issue of immigration. Drug dealers use any mode so they may be engaged in smuggling, but that issue needs its own hard crush of the law, it needs its own separate funding, it needs its own enhancement of drug enforcement agents who are out there working every day and we are under-funding them.

When we talk about immigration, I go to my seat by simply saying, bring the tunnel prosecution on. This bill was offered by Senator FEINSTEIN on the Senate side. But the method and the methodology is failed. We need a system that we need a pathway to citizenship, we need to stop the farce, and we certainly need to stop telling the American people by passing these bills without funding that they are going to be any more secure than they were yesterday.

Democrats put their money where their mouth was and offered any number of amendments since 2004, all to be defeated by this Republican majority. I would think the question needs to be asked where you are playing with the minds and hearts of the American people? My belief is that the American people deserve better, and comprehensive immigration reform is the call of the day.

I rise in opposition to the Border Tunnel Prevention Act of 2006, H.R. 4830. The Border Tunnel Prevention Act would make the construction and financing of tunnels crossing the U.S. international border a crime subject to a fine and up to 10 years imprisonment. Also, landowners who know about or recklessly disregard the construction or use of a border tunnel would be subject to a fine and up to 10 years imprisonment.

Border tunnels are a problem. A significant number of tunnels have been detected in recent years, and the fences that will be erected pursuant to a recently passed fence bill will result in even more tunnels. I agree that we need to prosecute people involved in building or using them. The question, however, is not whether we should facilitate such prosecutions but whether we should pass such narrowly focused legislation before we have addressed the larger immigration problems.

The Border Tunnel Prevention Act will facilitate the prosecution of people who build or use tunnels to cross the border illegally. It will not secure our borders. If tunnels cannot be built to cross under a fence, the immigrants simply will go around the fence. Instead of voting on H.R. 4830 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

If we fix our broken immigration system and provide a sufficient number of visas for lawful entries, we will not need to worry about tunnels that take people across the border.

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

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

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of the time.

I think we ought to get back to what this bill does so that Members are properly advised on how to cast their votes.
What the bill does is to create a criminal offense to prohibit the unauthorized construction, financing, or reckless permitting on one’s land the construction or use of a tunnel or subterranean passageway between the United States and another country.

Now, if you want that to be a federal criminal offense, vote ‘aye,’ and if you don’t, vote ‘no.’ I am going to vote ‘aye.’ I hope all the Members do.

Mr. SCHIFF. Madam Speaker, I rise today to express my support for H.R. 4850, the Border Tunnel Prevention Act.

Since September 11th, I have been extremely concerned with the security of our Nation’s points of entry and the securing of weapons of mass destruction. I have worked with my colleagues to establish screening of our air cargo, to deploy radiation detectors at our ports and borders, and to secure nuclear materials throughout the world. Most recently, I have worked with Senators Feinstein and Kyl on securing our sea ports from terrorist attacks and sabotage, legislation that was signed into law earlier this year.

That is why the discovery in January of this year of a 2,400 foot tunnel near San Diego which was equipped with sophisticated drainage, lighting, and pulley systems should shock the conscience of every Member of Congress. In fact, just this week, the U.S. Drug Enforcement Administration announced that they had discovered yet another cross-border drug-smuggling tunnel beneath a private residence in Calexico, California, that extended nearly 400 feet into Mexico. This is not a California problem or an Arizona problem—it is a national one.

Madam Speaker, all of our other efforts to secure our Nation’s points of entry will be futile if this growing national security problem on our borders is not addressed. Although these tunnels have been principally used to smuggle drugs and illegal immigrants, there is nothing preventing their use for the smuggling of chemical, biological, or radiological material. The 9/11 Commission warned against a failure of imagination if it takes little to imagine terrorists making use of these holes in our borders is not addressed. Although these tunnels have been principally used to smuggle drugs and illegal immigrants, they are used to smuggle aliens, weapons, drugs, terrorists, or illegal goods. For example, under current law, knowingly smuggling an illegal alien into the U.S. is punishable by a maximum 10-year prison sentence on those who recklessly allow others to build such tunnels on their land.

Mr. BLUMENAUER. Mr. Speaker, it is time to stop this charade on immigration. Since the Republican leadership is unable to reach an agreement with its members, or even their Republican president, they have become more interested in producingharsh rhetoric and meaningless acts than passing comprehensive and realistic immigration reform.

The House should support this measure to stiffen penalties and successfully prosecute those who construct or finance tunnels under the U.S. border.

Mr. DREIRED. Madam Speaker, illegal border tunnels entering our country undermine our efforts to protect the border and pose a significant threat to our national security. Last January, I was shocked to hear that the San Diego Tunnel Task Force, a group composed of agents from the Border Patrol, Immigration and Customs Enforcement (ICE), and Drug Enforcement Administration (DEA), discovered an elaborate border tunnel connecting Otay Mesa, California and Tijuana, Mexico; a complex 2,500 foot tunnel complete with electricity and ventilation systems, and harboring two tons of marijuana. Just last weekend, officials discovered a 400 foot tunnel connecting Calexico, California and Mexicali, Mexico. This tunnel was equipped with lighting and supported by wooden beams.

The underground corridors prove just how persistent the criminals and drug smugglers who quietly slip into our country are. The existence of these tunnels also points to an even more ominous danger: they could be used by terrorists to exploit our porous borders and strike within the U.S. Unfortunately, the Otay Mesa and Calexico tunnels are just two of several underground corridors discovered between America’s land borders, trafficking unknown numbers of individuals and illicit substances. In fact, 38 border tunnels have been discovered since September 11, 2001. All but one was on the Southern border.

Using manpower and technology to fight these tunnels and shut them down will not stop others from being built and used. Tunneling will only begin to subside after tough and clear penalties are enacted for anyone involved in this pernicious violation of our border and our sovereignty. Surprisingly, the laws on the books are ineffectual and, in many ways, non-existent. This is a serious problem that deserves serious punishment for anyone who so flagrantly compromises our border security.

The Border Tunnel Prevention Act criminalizes the construction of border tunnels that span our international borders. Specifically, this bill creates a new criminal offense to penalize the construction of illegal border tunnels crossing into the U.S., punishable by a maximum 20 years in prison. It also imposes a maximum 10-year prison sentence on those who recklessly allow others to build such tunnels on their land. In addition, the bill doubles the sentence for using a tunnel when smuggling aliens, weapons, drugs, terrorists, or illegal goods. For example, under current law, knowingly smuggling an illegal alien into the U.S. is punishable by a maximum 10-year prison sentence. Under this bill, that penalty would double to a maximum 20-year prison term if the illegal alien was smuggled in through an illegal border tunnel. Finally, the bill enables the Federal Government to seize any of the assets or property involved in the construction of the illegal border tunnels.

The Border Tunnel Prevention Act is just the latest example of House Republicans taking a strong stand when it comes to border security. House Republicans have provided the funding to hire 1,500 new Border Patrol agents this year and 1,200 next year. Last December, we passed H.R. 4437, the Border Security Protection, Antiterrorism, and Illegal Immigration Control Act to enhance border security and reform our outdated immigration laws. Last week, we approved H.R. 6061, the Secure Fence Act, to construct fences at five specific border zones where deaths are common, drug smuggling is rampant and illegal border crossings are numerous. And today, we will consider legislation to swiftly detain and deport dangerous illegal immigrants and enhance cooperation between local law enforcement and Federal immigration officials, and removal of illegal immigrants.

Cracking down on those who use and construct tunnels, as well as those who allow them to be constructed on their property, is another commonsense step to our full-court press to secure our border. When combined with a strengthened Border Patrol, enhanced use of sensory technology, and strategic fencing in heavily trafficked areas, we will have an across-the-board approach to smarter border security.
security. Over land, in the air, and under:
ground, we must make a commitment to con-
trol and secure the border. I urge all my col-
leagues to support this important border secu-
RITY bill.
Mr. SENSENBRENNER. Madam Speaker, I rise in oppos-
tion to H.R. 4830, the Border Tunnel Preven-
tion Act, H.R. 6094, the Community Protection Act,
and H.R. 6095, the Immigration Law En-
forcement Act. Only in the backward world of
Republican campaign strategy would passing
more ineffective bills be seen as a way to 
highlight “progress” on illegal immigration.
I hope that the American people ask what
happened to the massive immigration bill that
the House passed in December. I hope they
question why House Republicans are today
spending time debating three bills they know
the Senate will never consider. The truth is
that Republicans aren’t interested in stopping
illegal immigration. If they were, they’d crack
down on employers. Or at least make an effort
to resolve differences with their colleagues in
the Senate.
If you define progress by anything other
than fear-mongering rhetoric, then this Con-
gress is no more likely to secure the border
than the Capitol Police are to stop an armed
intruder.
Because this Republican Congress long ago
abandoned the idea of purposeful governing,
they slapped together these three immigration
bills without concern for constitutionality or
feasibility. The bad idea from a backbench
right-winger was too extreme. If these bills be-
came law:
Immigrants could be indefinitely detained at
the whim of the Department of Homeland Se-
curity. Hey, if it worked at Guantanamo, but
when they try it on U.S. soil, it won’t?
The Attorney General could order immediate
deporation of anyone deemed to be a mem-
er of a designated street gang, regardless of
whether members had committed crimes. In
other words, hanging around the wrong crowd,
least in the eyes of Alberto Gonzales, would
be a deportable offense.
Federal courts hearing immigration cases
would be instructed that any relief granted to
immigrants is “to be the extent necessary” and “least intrusive” to govern-
ment agencies. So if the government wrongly
jail you for 20 years, you might get re-
leased, but don’t expect any compensation for
the loss of your livelihood.
These bills call for desperate measures, and the Republican Party is
clearly desperate to cling to power. I urge my colleagues to vote no.
Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of
my time.
The SPEAKER pro tempore. All time
for debate has expired.
Pursuant to House Resolution 1018, the
bill is considered read and the pre-
vious question is ordered.
The question is 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
The SPEAKER pro tempore. The
question is on the passage of the bill.
The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.
Mr. SENSENBRENNER. Madam
Speaker, on that I demand the yeas
and nays.
The yeas and nays were ordered.
The SPEAKER pro tempore. Pursu-
ant to clause 8 of rule XX, further pro-
ceedings on this question will be post-
poned.
COMMUNITY PROTECTION ACT OF
2006
Mr. SENSENBRENNER. Madam
Speaker, pursuant to House Resolution
1018, I call up the bill (H.R. 6094) to re-
port the Secretary of Homeland Secu-
rity’s authority to detain dangerous
aliens, to ensure the removal of deport-
able criminal aliens, and combat alien
gang crime, and ask for its immediate
consideration.
The Clerk read the title of the bill.
The text of the bill is as follows:
H.R. 6094
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Community
Protection Act of 2006”.
TITLE I—DANGEROUS ALIEN DETEN-
TION AND REMOVAL
SEC. 101. DETENTION OF DANGEROUS ALIENS.
Section 214(a) of the Immigration and Na-
tionality Act (8 U.S.C. 1231(a)) is amended—
(1) by striking “Attorney General” each
place it appears, except for the first ref-
erence in paragraph (4)(B)(i), and inserting “Secretary of Homeland Security”;
(2) in paragraph (1), by adding at the end
of subparagraph (B) the following:
‘‘If, at that time, the alien is not in the cus-
tody of the Secretary of Homeland Security
(under the authority of this Act), the Sec-
retary shall take the alien into custody for
removal, and the removal period shall not begin until the alien is taken into such cus-
tody. If the Secretary transfers custody of
the alien during the removal period pursuant
to law to another Federal agency or a State
or local government agency in connection
with the official duties of such agency, the
removal period shall be tolled, and shall
begin anew on the date of the alien’s return
to the custody of the Secretary, subject to
clause (ii).’’;
(3) by amending clause (ii) of paragraph
(1)(B) to read as follows:
‘‘(ii) If a court, the Board of Immigration
Appeals, or an immigration judge orders a
stay of the alien’s removal for up to 90 days,
and the stay of removal is no longer in effect;
’’;
(4) by amending paragraph (1)(C) to read as
follows:
‘‘(C) SUSPENSION OF PERIOD.—The
removal period shall be extended beyond a period
of 90 days and the alien may remain in deten-
ion during such extended period if the alien
fails or refuses to comply with the removal order,
or to fully cooperate with the Secretary of Homeland Security’s efforts to establish the alien’s
identity and carry out the removal order, in-
cluding making timely application in good faith
for travel or other documents necessary to
the alien’s departure, or conspires or acts to
prevent the alien from being removed, unless
the Secretary determines that there is a significant
likelihood that the alien will not be returned
to custody within 90 days after the removal period
in accordance with subparagraph (B). The deter-
mination shall include consideration of any
evidence submitted by the alien including
consideration of any other evidence, including
any information or assistance provided by the Secretary of State or other Fed-
eral officials and any other information avail-
able to the Secretary of Homeland Security
pertaining to the ability to remove the alien.
’’;
(5) in paragraph (2), by adding at the end
the following:
‘‘If a court, the Board of Immigration
Appeals, or an immigration judge
orders a stay of removal of an alien who is
subject to an administratively final order of
removal, the Secretary, in the exercise of the
Secretary’s authority to detain dangerous aliens
during the pendency of such stay of
removal;’’;
(6) by amending paragraph (3)(D) to read as
follows:
‘‘(D) to obey reasonable restrictions on the
alien’s conduct or activities, or perform af-
firmative acts, that the Secretary of Home-
land Security prescribes for the alien, in
order to prevent the alien from absconding,
or for the protection of the community, or
for other purposes related to the enforce-
ment of immigration laws.’’;
(7) in paragraph (6), by striking “removal
period and, if released,” and inserting “rem-
oval period, in the discretion of the Sec-
retary, in the exercise of the Secretary’s au-
tority to detain dangerous aliens, any
limitations other than those specified in this
section, until the alien is removed. If an
alien is released, the alien”;
and by redesignating paragraph (7) as para-
graph (10) and inserting after paragraph (6)
the following:
‘‘(7) PAROLE.—If an alien detained pursuant
to the removal order, including making timely
application in good faith for travel or
other documents necessary to the alien’s
departure, and has not conspired or acted to
prevent removal, the Secretary may
establish an administrative review process to
determine whether the alien should be detained or
released on conditions. The Secretary
may continue to detain an alien for 90 days
beyond the removal period in accordance
with subparagraph (B). The determin-
ation shall include consideration of any
evidence submitted by the alien including
consideration of any other evidence, including
any information or assistance provided by the Secretary of State or other Fed-
eral officials and any other information avail-
able to the Secretary of Homeland Security
pertaining to the ability to remove the alien.
’’;
(8) ADDITIONAL RULES FOR DETENTION OR
RELEASE OF CERTAIN ALIENS WHO HAVE
MADE CLAIMS TO ASYLUM.—The following
procedures apply only with respect to an alien who has ef-
fected an entry into the United States. These
procedures do not apply to any other alien
detained pursuant to paragraph (6):
‘‘(A) ESTABLISHMENT OF A DETENTION RE-
VIEW PROCESS FOR ALIENS WHO FULLY COOPER-
ATE WITH REMOVAL.—For an alien who has
made a claim to asylum, the Secretary
may establish an administrative review process
as a condition of detention or parole, with a
removal order and to cooperate fully with the
Secretary of Homeland Security’s efforts to
establish the alien’s identity and carry out
removal proceedings, including making timely
application in good faith for travel or
other documents necessary to the alien’s
departure, and has not conspired or acted to
prevent removal, the Secretary may
establish an administrative review process to
determine whether the alien should be detained or
released on conditions. The Secretary
may continue to detain an alien for 90 days
beyond the removal period in accordance
with subparagraph (B). The determin-
ation shall include consideration of any
evidence submitted by the alien including
consideration of any other evidence, including
any information or assistance provided by the Secretary of State or other Fed-
eral officials and any other information avail-
able to the Secretary of Homeland Security
pertaining to the ability to remove the alien.
’’;
(9) AUTHORITY TO DETAIN BEYOND THE
REMOVAL PERIOD.—
‘‘(1) GENERAL.—The Secretary of Home-
land Security, in the exercise of the Sec-
retary’s discretion, without any limitations
other than those specified in this section,
may continue to detain an alien for 90 days
beyond the removal period (including any ex-
tension of the removal period as provided in
paragraph (1)(C)) if the alien
‘‘(aa) will be removed in the reasonably foreseeable future; or
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(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien’s failure or refusal to make all reasonable efforts to comply with the Secretary’s request or to cooperate with the Secretary’s efforts to establish the aliens’ identity and carry out the removal order, including making timely application in good faith for other relief, or any circumstance necessary to the alien’s departure, or conspiracies or acts to prevent removal;

(ii) the alien is removed, if the Secretary of Homeland Security certifies in writing—

(aa) in consultation with the Secretary of Health and Human Services, that the alien has a communicable disease that poses a threat to public safety; or

(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the removal would threaten the national security of the United States; or

(dd) that the release of the alien will threaten the community or any person, and the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

(ee) if the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

(ff) if it is determined that an alien should be released from detention for purposes of removal under Homeland Security, in the exercise of the Secretary’s discretion, may impose conditions as if the removal period terminated on the day of the redetention.

(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.

SEC. 102. DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.

(a) DETENTION AUTHORITY.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

(1) LENGTH OF DETENTION.

(1) IN GENERAL.—With regard to length of detention, an alien is detained until the alien is subject to an administratively final order of removal.

(2) CONSTRUCTION.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.

(b) JUDICIAL REVIEW.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

(1) IN GENERAL.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

(2) CONSTRUCTION.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.

(c) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

(1) IN GENERAL.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

(2) CONSTRUCTION.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.

SEC. 103. SEVERABILITY.

If any provision of this title, or any amendment made by this title, or the application of such provision or amendment to any person or circumstance, is held to be invalid for any reason, the remainder of this title, and of the amendments made by this title, and the application of the provisions and of the amendments made by this title to any other person or circumstance, shall not be affected by such holding.

SEC. 104. EFFECTIVE DATES.

(a) TITLE II.—Section 101.—The amendments made by section 101 shall take effect on the date of the enactment of this Act, and section 241 of the Immigration Act of 1965 (8 U.S.C. 1221) is amended, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order for any violation after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(b) TITLE II.—The amendments made by section 102 shall take effect on the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

TITLE II—CRIMINAL ALIEN REMOVAL ACT

SEC. 201. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL GROUNDS.

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security in the exercise of discretion”; and

(B) by striking “in the exercise of discretion” in subsection (b) and in subsection (c) and inserting “set forth in this subsection, in lieu of removal proceedings under”;

(2) in paragraph (3), by striking paragraph (1) and inserting—

(A) “described in this section” and inserting described in paragraph (1) or (2);”.

(b) by striking “the Attorney General may grant in the Attorney General’s discretion” and inserting “the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding”;

(c) by redesignating paragraphs (3) and (4) and inserting the following new paragraph—

(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) relating to public charge, and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 202 of this Act; and

(d) in paragraph (5)—

(A) by striking “described in this section” and inserting “described in paragraph (1) or (2);”;

(B) by striking “the Attorney General may grant in the Attorney General’s discretion” and inserting “the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding”;

(c) by redesignating paragraphs (3) and (4) and inserting—

[Further provisions]
Vice President, section 1952 of such title (relating to fraud and related activity in connection with monetary instruments). The amendments made by subsection (a) shall take effect on the date of enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

TITLE III—ALIEN GANGLAND REMOVAL ACT OF 2006

SEC. 301. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(j) CRIMINAL STREET GANG PARTICIPATION.—

"(1) IN GENERAL.—Any alien is inadmissible if—

"(A) has not been admitted or paroled; or

"(B) has not been found to have a credible fear of persecution pursuant to section 208 of the INA;

"(C) is not eligible for a waiver of inadmissibility or relief from removal; or

"(D) has been convicted of an offense (as defined in section 924(e)(1)) involving racketeering enterprises, section 1966 of such title (relating to the laundering of monetary instruments), section 1967 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises),

"(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

(b) DEPORTABLE.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(p) CRIMINAL STREET GANG PARTICIPATION.—

"(1) IN GENERAL.—Any alien is deportable if—

"(A) is a member of a criminal street gang and is convicted of committing, conspiring, threatening, or attempting to commit, a gang crime; or

"(B) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

"(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date specified in clause (i) at any time, and shall revoke a designation made under paragraph (1) at any time, and shall revoke a designation made under paragraph (1) if the Attorney General determines that a revocation with respect to the gang is warranted.

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

"(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

"DESIGNATION OF CRIMINAL STREET GANGS—

"SEC. 219A. DESIGNATION.

"(1) IN GENERAL.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

"(2) PROCEDURE.—

"(A) IN GENERAL.—If in a 5-year period any review has taken place under paragraph (6), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(B) REVOCATION OF DESIGNATION.—If a review does not take place pursuant to subparagraph (B), the Attorney General shall make a determination as to such revocation.

"(C) PUBLICATION OF DETERMINATION.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

"REVOCATION AND REDESIGNATION.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

"(D) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1) if the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or if the national security of the United States warrants a revocation.

"(E) PROCEDURE.—The procedures required of paragraphs (2) and (3) shall apply to a revocation of a designation made under this paragraph as if the revocation took effect on the date specified in the revocation or upon publication in
the Federal Register if no effective date is specified.

(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

(8) USE OF DESIGNATION IN HEARING.—If a designation under this subsection has become effective under paragraph (2) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

(9) JUDICIAL REVIEW OF DESIGNATION.—(1) In any case the court shall hold unlawful and set aside a designation the validity of which is affected by the application of a statute by a court or agency of the United States.

(b) Ineligibility for Asylum.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking “or” at the end; and

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

‘‘(vii) the alien is described in section 212(a)(2)(J)(1) or section 237(a)(2)(F)(1) (relating to participation in criminal street gangs) or—

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254(c)(2)) is amended by adding at the end the following:

‘‘(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of any finding under subparagraph (B) that an alien is in described in section 208(b)(2)(A)(vi).’’

This bill permits removal of criminal aliens as expeditiously as possible. Title III of the bill contains the Criminal Alien Gang Removal Act, authored by the gentleman from Virginia (Mr. FORBES), which was also included in H.R. 4437. Crime by alien members of criminal street gangs is a growing menace. Moreover, all criminal aliens face an even greater danger. They terrorize immigrant communities and subvert the communities that typify most of these communities.

Despite the clear threat that the violent street gangs pose to our neighborhoods and communities, immigrants who are members of these gangs are not deportable or inadmissible, and can receive asylum and temporary protected status. DHS must wait until they are caught and convicted of a specific criminal act before it can act to remove them.

One of the most violent and fastest-growing gangs, MS-13, was formed by Salvadoreans who entered the U.S. during the civil war in El Salvador in the 1980s, and has an estimated 8,000 to 10,000 members in 31 States.

This bill renders alien gang members deportable and inadmissible, mandates their detention, and bars them from receiving asylum or temporary protected status. The bill adopts procedures similar to those used by the State Department to designate foreign terrorist organizations in order to enable the Attorney General to designate gangs as criminal street gangs.

Madam Speaker, I urge my colleagues to support this bill to make America’s streets safer for all.

Madam Speaker, I reserve the balance of my time.

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

Mr. CONYERS asked and was given permission to revise and extend his remarks.
Mr. CONYERS. Madam Speaker, it is unfortunate that we are not focusing our attention on proposals that would actually make our Nation’s borders more secure, but I think we find ourselves once again on the floor of the House engaging in a kind of a political theater and expect movement toward comprehensive immigration reform. I used that phrase earlier, and it was rejected by a Member on the other side of the aisle as not being pragmatic.

The House and the Senate have passed bills on immigration reform and border security a number of months ago. Under regular order we should have had conferees appointed and been engaged in the process of reconciling the two bills. As a matter of fact, the chairman of this committee and myself as ranking member would undoubtedly have been two of the conferees.

However, in a substantial deviation from what is normal practice in the House, the leadership decided to launch a tragi-comedy show of committee hearings in the States across the country in an attempt to make citizens believe that they were being active on this subject of comprehensive immigration reform. But most Americans, or at least those of us who have watched or listened to the charade and the hearings were condemned in the media across the country as both a waste of taxpayers’ money and a waste of congressional time when we should have been focused on resolving the immigration differences that we have between the two committees.

Now here we are at the end of September. The nationwide hearings are over, some 21 hearings covering more than a dozen States, and we still have no notice of when we are going to have a conference on the two measures concerning immigration that have been already passed months ago by the House of Representatives and the Senate.

Now, by bringing parts of these provisions to the floor again, I don’t think is going to give much encouragement to the citizens who are quickly losing confidence in the Congress. I think our ratings are down to 25 percent support. That’s as of today. We may fall lower after these hearings because people are tired of theater, and they would like to have a little show, a little progress, a little action.

So here we are reworking many provisions that were already passed in H.R. 4437 last December. I think very few people are going to be fooled by what it is that is going on here.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I thank the gentleman for yielding me this time.

The border security bill that was passed by the House of Representatives is being criticized by the Democrats. But our hearings were not condemned by the media. Far from it, because at our hearings we heard from the border agents, the sheriffs, the investigators, the men and women whose task it is to enforce border security. They called for more border fence that the Democrats opposed.

Now the Democrats are referring to their motion to recommit our bill, H.R. 4437. Well, their motion would have gutted this critical immigration enforcement bill. As I mentioned, if that had passed, there would have been no provision to crack down on violent alien gang members. There would have been no provision to allow for the detention of dangerous aliens. There would be no provision to crack down on employees hiring those here illegally.

Their motion to recommit was meaningless and ineffectual. Only the Appropriations Committee can actually allocate funds. The Democrats know this, and they know that our appropriators over this year and next have increased Border Patrol strength by 2,700 agents. This is the maximum number of new agents who can realistically be recruited and adequately trained in that time span.

But in the meantime we have the question of the broader border security issue of whether you are going to erect that fence, whether you are going to allow State and local law enforcement officers to assist the Border Patrol, whether or not you are going to crack down on criminal gangs. Those are the provisions that we are bringing up today and passing over into the Senate.

Our hope is that the Senate leadership, Republican leadership, can get past the Democratic opposition this time and get past the argument that all we should do is a blanket amnesty. We tried a blanket amnesty in 1986. It didn’t work. It did not work. And the consequence of that is that all of this is been bypassed, and another blanket amnesty is simply wrong. It is a wrong-headed notion. I urge passage.

Mr. CONYERS. Madam Speaker, I am very pleased to yield to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on the Judiciary and a member on the Immigration Subcommittee, such time as she may consume.

Ms. LOFGREN. Madam Speaker, as the ranking member has mentioned, I am a member of the Immigration Subcommittee and also the Homeland Security Committee. As a consequence, I had an opportunity to participate in some of these so-called immigration hearings in the last several months.

I must say that the impression that one receives, the inevitable impression, is that there has been a lot of talk, but as they say in the South, not much walk. Unfortunately, I think today is more of the same.

Since 1995, when the Senate and House gained their Republican majorities, 5.3 million undocumented immigrants have come into the United States. Since 2001, when President Bush assumed the Presidency, over 2 million undocumented immigrants came into the United States. We have seen 12 years, basically 12 years of inaction in the House and Senate, their power, and basically nothing has happened. Nothing has happened.

And now with 5 legislative days left before we adjourn and go out to meet our voters, there are those that are being brought to the floor that haven’t had hearings that don’t touch the issues of the real security issues that face us. Interesting enough, these bills don’t even come close to what several of the witnesses at what Congressman FLAKE termed the “faux” hearings in August, those witnesses told us.

For example, Sheriff Lee Baca of Los Angeles County, I think the largest urban jurisdiction in the country, said he supported comprehensive reform, not piecemeal reform and sets of bills that failed to address the full border security issue.

So if we take a look at the substance of these bills, and I don’t think that is even what is intended here, but if we do, we will see how little these proposals would actually accomplish.

The issue is going to stick up for criminal alien gangs, not me, not anybody. But the provisions in the act are not going to be effective.

The State and local cooperation, the enforcement of the Immigration Law Act does not require enforcement immigration status of crime victims, and it really is not going to do what I think the authors suggest.

Title II, is a provision, it is a sense of the Congress that the Attorney General should adopt guidelines for the prosecution of smuggling offenses. That should have been done quite some time ago. It reminds me of the bill that we passed earlier this week, and I was unable to be here where we urge that the Attorney General and the Department of Homeland Security gain control of our borders in 18 months’ time. What about now? What about the last 12 years?

So again, we are going through pretty much the charade here. Meanwhile, the President zeroed out funding for the State criminal alien assistance program. Really every year since 2001 he has zeroed it out, and the Republican controlled Congress funded it at half of what was authorized. In fiscal year 2006, Congress only appropriated $405 million even though $750 million was authorized.

This list of failures goes on and on, but the truth today is if we are wrestling around to look like we are doing something, I think they will understand that they are being played for fools.
Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, what we have heard from the other side of the aisle I think basically falls into the category of the perfect being the enemy of the good. When the perfect defeats the good, then bad prevails.

The way checks and balances were set up, it is really hard to pass a perfect bill. I think one has been passed since 1789 in this House of Representatives. What we are doing at the end of the session is some good stuff. Criminal alien gangs and all of the other things that I described in my opening statements, I think they are good. If they are good, we ought to vote for them. If it isn't good to deal with criminal alien gangs that are poisoning and terrorizing our streets, then vote "no."

Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Speaker, I want to begin by thanking Chairman SENSENBRENNER for taking up this fight and for not giving up on this fight and continuing to work hard to get some of these provisions through.

I guess the longer I am here, I should not be surprised by anything that I hear on the floor, but I still am shocked. I am shocked this afternoon as I hear statements like, "There has been a lot of talk, but not much walk," and then that bringing part of these provisions in will not give any confidence to our citizens.

Madam Speaker, I say that because I want to talk about just one part of these provisions today, and that is violent criminal gangs. When we began talking about violent criminal gangs and trying to do something about it, our friends on the other side of the aisle first suggested to us in the committees that we didn't even have a problem with violent criminal gangs in the United States.  

But today they have backed off of that because they know that as we are sitting here talking today, there are over 850,000 criminal gang members in this country.

A lot of talk, but not much walk. They have fought us on every single aspect of trying to do something to stop those violent criminal gangs. And, Madam Speaker, I would just tell you that of those 850,000 violent criminal gang members, if you look at the most violent gangs, all of our testimony in the Judiciary Committee suggested that we are 60 and 65 percent of them were here illegally.

When they come into our country, we don't even ask them today if they are a member of a violent criminal gang; and what is worse is once they get here, we actually cloak them in protections, either by giving temporary protected status or by giving them political asylum, which basically means this: they can stand outside our schools, stand outside our neighborhoods with a placard that says: I am a member of the most violent criminal gang in the world, I am here illegally, and our law enforcement people cannot do anything at all to touch them.

And the conclusion of this provision is simply this: it says, first of all, when they come into the country, we are going to treat them like we do terrorists, and we are going to say if you are a member of a violent criminal gang, we are not letting you in. If you get into the country and you are here as our guest and we let you in and you join a violent criminal gang, we don't believe there is any socially redeeming value at all in being a member of a violent criminal gang.

So if you join that gang, we are going to send you out of this country, and we are not going to just set up some hearing date that is 30, 60, 90 days away that you won't show up at, but we are going to stop you. We are going to deport you, and we are going to send you out before we have a victim of a violent crime.

Madam Speaker, I would just close by saying we had testimony of one situation in Massachusetts where we had a young girl who was deaf and she had a mental illness. She was in a wheelchair, and she and another handicapped child were taken out and raped by six gang members, and two of them were here, one protected by temporary protected status and the other one who had applied for it.

Madam Speaker, I think it is time for us to use some common sense when dealing with violent criminal gangs and to say that we are going to do something about them. We are not going to just talk about them, but we are going to get some action done.

I thank the chairman for continuing this fight, and I hope we will pass this measure.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to Ms. LOFGREN.

Ms. ZOE LOFGREN of California. Madam Speaker, really, we are talking a lot, but if we had acted in the last 12 years, we would be in a lot better situation.

It has been mentioned that violent gang members should not be admitted to the United States and that somehow we need to change the law in order to accomplish that. Congress has, however, under section 212 of the Immigration and Nationality Act, gang members are already inadmissible to the United States; and if we had adequate personnel, they would have been turned away at the border. And thinking about what we would have done, we could have voted the resources over the years to do that. I will just mention a few votes that every Republican on the floor voted against.

In 2001, rollcall vote No. 505 in November of 2001, Democrats suggested that we add $233 million for border security to help meet the promises of the PATRIOT Act on border staffing and what the 911 Commission recommended. What happened? On a party-line vote, that additional resource to keep gang members out was defeated.

In 2003, rollcall vote No. 301 in June of 2003, Republicans voted against consideration of an amendment that would have added $300 million for border security, including making a further down payment on the promise of the Congress in the 2001 PATRIOT Act to triple the number of border agents and immigration agents along the northern border, and all the Republicans on the floor here today voted against that.

Vote No. 305 in 2003 was additional appropriations that Democrats were recommending, $300 million, again to enhance border security and keep gang members and others out of the United States. And again Republicans all voted against it; the Democrats voted for it.

Rollcall vote No. 243 in 2004, again Republicans voted against consideration of an amendment that would have added $750 million for border security.

In 2005, rollcall vote No. 160, Democrats tried again, and Republicans voted against a motion to report back to conference with instructions to add $284 million for additional border security measures. That $284 million would have included funding for an additional 550 Border Patrol agents, 200 additional immigration agents, and additional border aerial vehicles.

In 2005, rollcall vote 174, once again Republicans voted against consideration of amendments that would have added $400 million to border security. And later in 2005, rollcall vote No. 187, Republicans voted against a Democratic substitute that would have added 800 additional immigration agents and 8,000 additional detention beds, helping to meet the promise of the 9/11 Commission.

In 2005, rollcall vote 188, again Republicans voted against a motion to recommit the Homeland Security Authorization bill with instructions so that we could add 800 additional immigration agents and 8,000 additional detention beds.

And, of course, rollcall vote 56 in 2006, Republicans defeated an amendment to H.R. 4938, the supplemental appropriations that would have added $600 million for border security in the bill, including $400 million for installation, 1,500 radiation portal monitors and air patrols and the like.

Again, rollcall vote 210 this year, Republicans voted against consideration of an amendment that would have added $2.1 billion for border security, helping us to meet our commitments by adding additional Border Patrol agents, immigration agents, and detention beds.

And, of course, in the face of all of this nativism, we have here in the last 6 days of this Congress fluff. Fluff. I don't think the American people are going to buy it.
Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, the gentlewoman from California has recited a litany of roll-calls, and all of those roll-calls, from what I heard, deal with appropriations legislation.

We have a budget. We cannot fully fund every request that comes down in the budget; otherwise, the deficit would balloon to even higher levels. But the fact is that the most generous parts of the budget have been for defense and homeland security since 9/11, and there have been some pretty large increases in that.

Then the gentlewoman from California says that this bill is unnecessary because we already can refuse to admit gang members into this country. And she is not correct on that. In order to refuse to admit a gang member into this country under the Immigration and Naturalization Act, that gang member had to have been convicted of a crime. And the difference between her side of the argument and our side of the argument is pretty simple: They require there to be a victim first. Somebody has to be a victim of a crime that has been committed by a criminal street gang. And the majority would have us ignore our Nation's economic dependence on immigrant labor and economic dependence on immigrant labor and job, and jury deciding whether an individual poses a threat to public safety. In doing so it denies individuals the rights to safeguards provided by judicial review, which has been so important to protecting civil liberties in our Nation.

I strongly encourage my colleagues to reject this measure and instead move forward with negotiations for comprehensive immigration reform that responsibly addresses all aspects of this critical issue.

Ms. LEY. Mr. Speaker, I rise today in opposition to H.R. 6064, the Immigration and Nationality Act of 2006, H.R. 6094. H.R. 6094 will not protect United States borders, strengthen our national security, or address the Nation's immigration problems comprehensively. Instead of voting on H.R. 6094 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

The Community Protection Act would permit indefinite detention of aliens who are considered dangerous and are waiting for the execution of a final order of deportation. The most common reason for a delay in executing an order is difficult in obtaining travel documents that authorize the alien's admission to another country.

I object to the practice of indefinite detention for a number of reasons, but the one that concerns me most is the possibility that people will spend the rest of their lives in detention simply because they are viewed as being dangerous.

In Zadvydas v. Davis (2001), the U.S. Supreme Court held that a statute permitting indefinite detention would raise serious constitutional problems because the due process clause of the fifth amendment prohibits depriving any person, including aliens, of liberty without due process of law.

The Community Protection Act would allow expedited removal of aliens who have not been inspected or paroled into the United States, are inadmissible on the basis of a criminal ground, and after due process is required, do not have a credible fear of persecution, and are not eligible for a waiver or relief from removal.

The Immigration and Nationality Act, INA, already has provisions for the expedited removal of criminal aliens, but it applies to aliens who have been convicted of an aggravated felony. As a practical matter, relief from deportation is not available to an alien who has been convicted of an aggravated felony. Only two issues are involved in these cases, is the person an alien and has he been convicted of an aggravated felony?

In contrast, H.R. 6089 would establish expedited removal proceedings for aliens who do not have a credible fear of persecution and are inadmissible under section 212(a)(2) of the INA on the basis of a crime involving moral turpitude, a controlled substance violation, two or more offenses for which the aggregate sentence was 5 years or more, prostitution or commercialized vice, trafficking in persons, money laundering, and other criminal offenses.

These cases would raise complicated legal issues and difficult questions of fact, such as whether the alien is removable under any of the numerous grounds of inadmissibility in
section 212(a)(2) of the INA, and, if so, whether he is eligible for a waiver of inadmissibility. These issues cannot properly be adjudicated in expedited removal proceedings.

H.R. 6094 addresses the problem of gang violence in the United States. This is a very serious problem that needs to be addressed, but H.R. 6094 does not take the right approach. It would cast a broad net that would ensnare innocent children along with the dangerous criminals.

H.R. 6094 would establish new grounds of inadmissibility which would include the belief of an immigration inspector that the alien is a gang member entering to engage in unlawful activity. It also would make someone removable solely on the basis of membership in a group that has been designated by the Attorney General as "a criminal street gang." In addition, members of designated criminal street gangs would be ineligible for asylum, withholding of removal, and Temporary Protected Status; and they would be subject to the criminal alien deportation provisions.

This bill would be less objectionable if every youth in a gang was a violent criminal, but that is not the case. I urge you to vote against the Effective Immigration Enforcement and Community Protection Act.

Mr. SMITH of Texas. Mr. Speaker, H.R. 6094, the Community Protection Act of 2006, will fix a U.S. Supreme Court decision that has inadvertently put us in danger.

The bill allows the Federal Government to detain illegal immigrants convicted of serious crimes for 6-month periods beyond their incarceration, as long as at the end of each 6-month period the detention is renewed by the Department of Justice.

Current law states that if a convicted illegal immigrant for which the U.S. Government is seeking to have them deported because their home country refuses to take them back, the U.S. Government can only detain them for a 6-month period.

After that, the Government is forced to release the criminal immigrant knowing they may be a danger to the community.

We have a responsibility to make sure the laws of this land protect Americans rather than endanger them.

Under this bill convicted illegal immigrants will be detained until arrangements can be made to have them deported.

I urge my colleagues to support the bill. Mr. SENSENBR Brenner. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERTSON). All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GUTIERREZ. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6094 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 34, after line 8, insert the following:

SEC. 304. PROVISION OF ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS.

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

(1) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010. Of the last two years, the Republican Congress has left our Nation short 5,000 detention beds, and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to apprehend criminal aliens.

(2) Criminal aliens continue to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the bill to the House in a form agreed to by the two committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the Nation's immigration problem comprehensively.

(b) ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS PROVIDED UNDER THE REAL ID ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals;

(4) by 2,500 the number of detention beds; and

(5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324b, 1324c).

Mr. GUTIERREZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. SENSENBR Brenner. Mr. Speaker, reserving the right to object, I know they are not watching a rerun. This is, in fact, original programming. Yes, the plot lines are the same. We even have many of the same characters, many of the same arguments; and if the issues weren't so serious to our national security, it would almost be humorous.

Mr. SENSENBR Brenner. Mr. Speaker, rather than just talking about family values, we have the opportunity today to show the American people that we really, really believe in family values. We have that ability today. Mr. Speaker, the motion to recommit I am offering is really simple. The House has already passed an immigration bill. I do not like it, but that is how the process works. The Senate passed their own immigration bill. Some on the other side do not like that version. That is the way democracy works.
Mr. SENSENBRNER. Mr. Speaker, the motion to recommit is not germane, because clause 7 of rule XVI precludes an amendment on a subject matter different from that under consideration.

Mr. Speaker, I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman may be heard on the point of order.

Mr. SENSENBRNER. Mr. Speaker, H.R. 6094 restores the Secretary of Homeland Security’s authority to detain certain dangerous aliens, to ensure the removal of the deportable criminal aliens and to combat alien gang crime.

The legislation provides DHS authority to detain beyond 6 months aliens under orders of removal who cannot be removed in a number of situations, such as if an alien has a highly contagious disease, release would have serious adverse foreign policy consequences if they should escape and if the alien poses a substantial risk to national security, or release would threaten the safety of the community and the alien is either an aggravated felon or is mentally ill and has committed a crime of violence.

The legislation also provides DHS with expedited procedures for the removal of inadmissible criminal aliens and provides new tools to prosecute criminal alien gang members.

The motion to recommit pertains to a subject matter different from that contained in the legislation under consideration. Specifically on page 2, line 18 of the motion to recommit, it increases the number of United States marshals.

United States marshals do not do immigration enforcement, and thus it expands the bill beyond the scope of the bill and is nongermane. And as a result, the motion fails the test of gemaneness contained in clause 7 of rule XVI and is not in order.

Mr. GUTIERREZ. Mr. Speaker, I would like to be heard on the point of order.

Mr. Speaker, the gentleman makes a point of order that the proposed subsection 3 that I would add to section 210(a) of the bill is nongermane.

I would argue that this paragraph is germane to the bill. When the subject matter of the whole bill is taken into consideration, H.R. 6094 presents a comprehensive immigration reform proposals that my subsection 3 addresses, related legislation that addresses the same exact subject matter.

All day today, Mr. Speaker, we have been hearing the proponents of this bill argue that the various immigration reform proposals included in the bill are a valuable alternative to a more comprehensive immigration reform legislation that is stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to the many other immigration reform proposals this House has considered over the past 2 years.

Republicans are trying to pretend that the 109th Congress has not debated the immigration issue on many other occasions other than today. That is simply not the case and is wrong, Mr. Speaker. This House has debated the subject matter of this bill many times.

My point simply the better way to handle the subject matter of this bill, which is to go to conference with the comprehensive bills the two Houses have already passed, and that is why I consider it germane.

Lock, we all agree the drug dealers, gang members have no place in our society. Alien smugglers who live out of the hopes and aspirations of this who wish to come, but rape and rob and murder people should be thrown into jail, and we should throw away the key.

There are 11 to 12 million people walking around this country, and we do not know who they are. We do not have an address, an employer. We believe that they should have a place in this society if they have followed the rules.

Mr. GUTIERREZ. Mr. Speaker, I will. I believe I have. I want to do exactly the same thing. Members on this side of the aisle want to do exactly the same thing, and we can agree on them. Let’s sit down at a table. Let’s do it in a comprehensive manner.

Mr. Speaker, that is why think the point of order is not good on this particular issue. I think it is germane.

The SPEAKER pro tempore. The Chair is prepared to rule. The bill is confined to immigration matters. As argued by gentleman from Wisconsin, the motion to recommit addresses U.S. marshals beyond their work in an immigration context.

Accordingly, the point of order is sustained.

Mr. GUTIERREZ. With all due respect, Mr. Speaker, I move to appeal the ruling of the Chair on the point of order.

Mr. SENSENBRNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SENSENBRNER

Mr. SENSENBRNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-
Mr. MEEKS of New York changed his vote from "yea" to "nay". So the motion to table the bill was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table. The SPEAKER pro tempore. The question was on the passage of the bill, and the Speaker pro tempore announced that the ayes appeared to have it. Mr. SENSENBRENER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.
The motion was not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 12, not voting 9, as follows:

[Roll No. 466]

**YEAS—411**

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Mr. ISRAEL changed his vote from “aye” to “nay.” So the motion was agreed to.

**MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION**

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 5631 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 12, not voting 9, as follows:

[Roll No. 466]

**YEAS—411**

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PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. ROTHMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

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

There was no objection.

IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smuggling, to reform immigration litigation procedures, and ask for its immediate consideration.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6095

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 “Immigration Law Enforcement Act of 2006.”

TITLE I—STATE AND LOCAL LAW ENFORCEMENT COOPERATION IN THE ENFORCEMENT OF IMMIGRATION LAW ACT

SEC. 101. FEDERAL AFFIRMATION OF AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) In General.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) Construction.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, an alien smuggling offense

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

TITLE II—ALIEN SMUGGLER PROSECUTION ACT

SEC. 201. EFFECTIVE PROSECUTION OF ALIEN SMUGGLERS.

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

(1) Recent experience shows that alien smuggling is flourishing, is increasingly violent, and is highly profitable.

(2) Alien smuggling operations also present terrorist and criminal organizations with opportunities for smuggling their members into the United States practically at will.

(3) Alien smuggling is a lucrative business. Each year, organizations that smuggle or traffic in persons are estimated to generate $9,500,000,000 in revenue worldwide.

(4) Alien smuggling frequently involves dangerous and inhuman conditions for smuggled migrants. Migrants are frequently abused or exploited, both during their journey and upon reaching the United States. Consequently, aliens smuggled into the United States are at significant risk of physical injury, abuse, or death.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should adopt, not later than 3 months after the date of the enactment of this Act, uniform guidelines for the prosecution of smuggling offenses committed by the various United States attorneys. Understanding that border-area United States attorneys face an overwhelming workload, a lack of sufficient prosecutions by certain United States attorneys has encouraged additional smuggling, and demoralized Border Patrol officers charged with enforcing our anti-smuggling laws.

(c) ADDITIONAL PERSONNEL.—In each of the fiscal years 2008 through 2013, the Attorney General shall, subject to the availability of appropriations, increase by not less than 20 the number of attorneys in the offices of United States attorneys in areas prioritized for prosecution of criminal organizations involved in alien smuggling.

(d) EXPEDITED PROCEEDINGS.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter judgment or order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief in the case on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government’s motion.

(e) AUTOMATIC STAYS.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

(f) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(g) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(1) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(2) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(h) SETTLEMENTS.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter a consent decree that does not comply with subsection (a).

(i) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a consent decree that does not comply with section (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(j) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(k) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term “consent decree”...
(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and
(B) does not include private settlements.

(2) While the term "good faith," as used in this chapter, does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government," means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 302. EFFECTIVE DATE.

(a) IN GENERAL.—(1) DURATION OF AUTOMATIC STAY.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 301(b). There shall be no further postponement of the automatic stay with respect to any pending motion under section 301(b)(2). Any order, staying, suspending, delaying or otherwise bar the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 301(b)(2)(D).

The SPEAKER pro tempore. Pursuant to section 301(b), the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

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. 6095 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. 6095, the Immigration Law Enforcement Act of 2006, which will allow Federal, State, and local law enforcement officers to more effectively enforce our immigration laws along the border and in the interior of the United States.

Title I of the legislation is based on an asylum application offered by the gentleman from Georgia (Mr. Norwood). The title reaffirms the inherent authority of State and local law enforcement to voluntarily, and I emphasize the word "voluntarily," assist in the enforcement of U.S. immigration laws. Many local and State law enforcement officers are eager to assist in the enforcement of our immigration laws to protect their communities and serve as a valuable force multiplier to U.S. Attorney Office and authorized Homeland Security officers. We should provide them with the clear authority they seek rather than placing obstacles in their way.

Title II of the bill contains the Alien Smuggler Prosecution Act. Currently, the various United States Attorney offices do not use uniform guidelines to prosecute smuggling offenses. While border area U.S. Attorneys face a heavy workload of inefficient smuggling prosecutions in some areas has become a serious problem. This has encouraged additional smuggling and demoralized Border Patrol and DHS agents who have seen many of the smugglers they have apprehended released.

This title contains a sense of Congress that the Attorney General should adopt uniform guidelines for the prosecution of smuggling offenses by each U.S. Attorney office and authorize an increase in the number of attorneys in U.S. Attorneys' offices to prosecute such cases. The bill requires an increase of not less than 20 new attorneys over the previous years' level in each of fiscal years 2007 through 2012 to affirm the need for comprehensive reform. DHS is using expedited removal proceedings. DHS is using expedited removal to expeditiously remove Aliens who prey on the most vulnerable. The bill, opposed by State and local law enforcement raises the question: Why would they be opposed to a bill in which they are being invited in to take over some national law enforcement responsibilities?

Well, it is because it will strain the relationship between the police and immigrants and citizens. It will obstruct police in their mission of keeping our streets safe. Essentially the bill is asking the State and local police to pick up the slack for the Federal Government.

Now, title II of this same measure, the Alien Smuggler Prosecution Act, should really be examined carefully. Increasing resources for alien smuggling prosecution is quite appropriate; however, this bill will not decrease immigrant smuggling, and it will not resolve any of the fundamental flaws in our immigration system. The bill has nothing to do with the practice known as "catch and release" which has been referred to already. This proposal does little more than tie the hands of courts in immigration cases. Judges will be burdened with new requirements, and other civil cases will be denied their day in court.

Just like the field hearings between those bills passed in the House and the immigration bills passed in the Senate, today's bills are clearly meant to distract the American public. Too bad, though, this country has already gotten the smoke-and-mirrors show. Americans want comprehensive immigration reform and secure borders, and once again this body is failing to deliver.
PROPOSALS TO EXPAND THE IMMIGRATION AUTHORITY OF STATE AND LOCAL POLICE—DANGEROUS PUBLIC POLICY ACCORDING TO LAW ENFORCEMENT, GOVERNMENTS, OPINION LEADERS, AND COMMUNITIES

LAW ENFORCEMENT ASSOCIATIONS AND DEPARTMENTS

International Association of Chiefs of Police, President Joseph Estey—"Many leaders in the local communities are concerned about the chilling effect anything that would have on local and even international relations. Our job is to enforce the law, not to be immigration enforcers."

Major Cities Chiefs Association—"Such a divide between the local police and immigrant groups would result in increased crime against the immigrant community. As a result of this, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future crimes."

California State Sheriffs' Association, President Bruce Mix—"CSSA is concerned that the proposed CLEAR Act will undermine our primary mission of protecting the public, including racial and statewide law enforcement associations to be effective partners with their communities, we believe it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status."

Connecticut Chiefs of Police, President James Strillo—"We rely on people’s cooperation as we enforce the law in those communities. With this legislation, there’s no protection for them."

Deputy Chief of Police, Fairfax County (VA) Police Department, Chief Lanny Brown—"The CLEAR Act would actually encourage people to come forward and report crimes and suspicious activity, making our streets less safe as a result."

Hispanic American Police Command Officers Association, National President Elvin Crespo—"The CLEAR Act jeopardizes public safety, it undermines local police roles in enforcing federal immigration enforcement priorities, it piles more onto state and local police officers’ already full plates, it bullies and burdenses local law enforcement and makes law-enforcement processing and most significantly, it forgets the important fact that you can’t tell by looking who is legal and who isn’t."

National Latino Peace Officers Association, Founder Vicente Calderon—"The role of police is to protect and serve. Clear Law Enforcement and Access to Removal (CLEAR) Act will greatly contribute toward hindering police from accomplishing these goals."

Federal Hispanic Law Enforcement Officers Association, National President Sandalo Gonzales—"The CLEAR Act burdens and burdens State and Local governments by coercing them into participating, even though it means burdensome new reporting and bureaucratic failure to do so means further loss of already scarce federal dollars."

West Palm Beach (FL) Police Department, Officer Freddy Narango—"The major thing is to come out and report these crimes, not hold back."

Phoenix (AZ) Police Department, Sergeant Andy Hill—"As we move out deeper into the community, especially with reaching out to the Spanish-speaking community, we believe there may be other victims out there that haven't come forward."

Phoenix (AZ) Police Department, Chief Jack Jackson—"We have folks here in the Valley that may have limited English skills, and they can still very much be witnesses or know something about these crimes."

Fairfax County (VA) Police Department, Captain Pat Farmer—"Sometimes folks are here illegally, and sometimes they are here legally. We want them to call us. If a witness is a victim, we want them to trust us."

Fairfax County (VA) Police Department, Officer Jon Fleischman—"We're going to check [legal] status only."

Fairfax County (VA) Police Department, Spokesman Jim Clasen—"Our job is to enforce the law. I am concerned that people who are victims of a crime, whether citizens or not, are not calling us because they’re afraid we’re going to check [legal] status only."

Fairfax County (VA) Police Department, Chief Lanny Brown—"The CLEAR Act jeopardizes public safety, it undermines local police roles in enforcing federal immigration enforcement priorities, it piles more onto state and local police officers’ already full plates, it bullies and burdens local law enforcement and makes law-
immigrant communities because many are leaving countries where the police cannot be trusted for good reason. Adding the fear of arrest or deportation to this could have a tremendously detrimental effect on the community. At a time when trusting relationships between immigrant communities and the police are vital, the CLEAR Act would have just the reverse effect. (letter, 3/26/2004)

Clearwater (FL) Police Department, Chief Sid Klein—“It doesn’t take very long for that open door of communication to be slammed shut and local law enforcement (pay the price).” (“Immigration duty a burden, police say,” St. Petersburg Times, 7/19/2004)

Los Angeles County Sheriff’s Department, Sheriff Leroy Baca—“I am responsible for the safety of one of the largest immigrant communities in the country. My department prides itself in having a cooperative and open relationship with our immigrant community. [The CLEAR Act] would undermine this relationship.” (letter to Los Angeles County Neighborhood Legal Services, 10/6/2003)

Kansas City (KS) Police Department, Chief Ronald Gill—“We obviously need [immigrants] to trust us. Our main focus is on the crime itself. We’re not immigration experts. (“Immigration duty a burden, police say,” St. Petersburg Times, 7/19/2004)

Montgomery County (MD) Police Department, Captain John Fitzgerald—“The CLEAR Act will have an astounding effect on how we provide law enforcement/police service.” (letter to Senators Brownback and Roberts, 11/19/2003)

Hilliard (OH) Police Department, Spokesman Rod Reder—“We obviously need [immigrants] to trust us. Our main focus is on the crime itself. We’re not immigration experts. (“Immigration duty a burden, police say.” St. Petersburg Times, 7/19/2004)

Portland (ME) Police Department, Chief Michael Chitwood—“As Police Chief of Portland, Maine and someone who has been involved in law enforcement for nearly forty years, I can tell you with certainty that the CLEAR Act is a bad idea.” (letter to Congress, 11/11/2003)

South Tucson (AZ) Police Department, Police Sergeant Corporal Daniel Saab—“If the CLEAR Act passes, (immigrants) are not going to come to police with information. (“Immigration duty a burden, police say.” St. Petersburg Times, 7/19/2004)

Lowell (MA) Police Department, Police Superintendent Robert Davis Ill—“The CLEAR Act were passed into law, residents would be less likely to approach local law enforcement in fear of exposing themselves or their immigrant family members to deportation. This would make state and local law enforcement officers’ jobs nearly impossible.” (letter to Senator Kennedy, 3/9/2004)

Denver Police Department, Corporal Daniel Saab—“If the CLEAR Act passed people would not work with us. It would make it very hard for us to do our job.” (letter to Senator Kennedy, 3/9/2004)

Detroit News, 5/1/2004

Ann Arbor (MI) Police Department, Chief Dan Oates—“I have a great deal of concern about altering hard-won relationships with immigrant communities. Having those communities think we are agents of the federal government or that our Police Department could get more power.” Detroit Free Press, 6/3/2004

San Jose Police Department, Chief Rob Davis—“We are fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration enforcement effort, we do not know how we would do that anymore. That would affect our mission, which I thought was to protect and serve our community.” (“CLEAR Act puts cuffs on police; Giving them another duty, immigration enforcement, would make us all less safe,” San Jose Mercury News editorial, 4/15/2004)

Hamtramck (MI) Police Department, Chief Jim Doyle—“It is important that people learn to trust us without looking over their shoulder about who the guys that are going to deport us.” (“Metro police balk at plan to hunt illegal immigrants,” Detroit News, 5/11/2004)

Orange County (CA) Sheriff’s Office, Assistant Sheriff George Jaramillo—“We wouldn’t be interested in pulling people over and trying to figure out what their status is.” (“Police May Join Hunt for Illegal Migrants; Advocates see a way to boost enforcement, but officers and civil rights groups fear abuses,” Los Angeles Times, 11/12/2003)

Bexar County (TX) Sheriff’s Office, Sheriff Ralph Lopez—“I’m totally against [the CLEAR Act]. It plays the race card, and from that perspective it is just a bad act. We will not go out and create probable cause just because we think this person is from dark-completed or that they look different, should be automatically questioned about their legal status. That is a total violation of due process.” (“Politicians are using fear to push through the CLEAR Act, one of the most sinister changes in immigration policy.” The San Antonio Current, 12/11/2003)

Overland Park (KS) Police Department, Chief John Douglass—“The CLEAR Act would be a detriment to all who live, work, and visit Overland Park. We want all to know that the police are available to protect them no matter whom they are or where they come from.” (letter to Representative Moore, 10/23/2003)

St. Paul (MN) Police Department, Chief William Finney—“How am I supposed to decide as a police officer who I should ask for papers? Well can’t you look at them and tell you see somebody I can’t! . . . So I’d just have to ask everybody. All the ‘real Americans’ would be very offended, because they’ve got First Amendment rights. But people that are brand new groups fear abuses,” (“CLEAR Act,” letter to Los Angeles Daily News, 11/15/2003)

Minnesota Spokesman-Recorder, 12/11/2003

Portland (OR) Police Department, Chief Michael White—“As Police Chief of Portland, Maine and someone who has been involved in law enforcement for nearly forty years, I can tell you with certainty that the CLEAR Act is a bad idea.” (letter to Congress, 11/11/2003)

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

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to give an example of why this bill is necessary. Again, there is a differentiation between what Republicans and Democrats are saying here. The Democrats want to have a victim first before somebody is demolished. The Republicans are saying that there is a differentiation between those individuals that are going to deport us. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to give an example why this bill is necessary. Again, there is a differentiation between what Republicans and Democrats are saying here. The Democrats want to have a victim first before somebody is demolished. The Republicans are saying that there is a differentiation between those individuals that are going to deport us. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Michigan colleague for yielding the floor to me.

I rise to oppose H.R. 6095, but let me follow up on what the chairman of the committee talked about. If somebody

Immigration roles not for local police

Des Moines (IA) Police Department, Chief William McCarthy—“When we don’t accept their statements, we create our own problems, and we are a better society than that, frankly. They (illegal immigrants) are family-oriented people and un

Mr. GENE GREEN. Mr. Speaker, I yield myself 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Michigan colleague for yielding the floor to me.

I rise to oppose H.R. 6095, but let me follow up on what the chairman of the committee talked about. If somebody

Immigration roles not for local police
committed a crime, and they were here legally or illegally. The standard practice for local law enforcement is to pick that person up, arrest them, and then they will be punished. Then they will be turned over to ICE, Immigration and Enforcement.

What this bill would do is allow for our local police and sheriffs and constables to actually be standing in the place of immigration officers. I support strong law enforcement of our immigration laws, but we shouldn’t burden our local law enforcement officers to enforce Federal immigration laws.

This Congress and this administration has cut the COPS program since 2001. Asking our local law enforcement agencies to enforce Federal immigration law without any commitment of funds is unfair and takes officers out of our neighborhoods and off our streets. The role of local law enforcement is to protect our property and our families. Most local police departments are already stretched thin as it is. In Houston, our officers have the challenge of protecting an additional 100,000 people who evacuated to Houston from New Orleans over a year ago. Adding immigration enforcement to their duties would make their jobs tougher and our neighborhoods less safe.

Currently if law enforcement officers catch someone committing a crime that is here illegally or legally, they are turned over to Immigration Control and Enforcement, and they are deported. Now, they need to pay their debt to our own county or State, but they will be deported. If someone breaks into my home, either the Houston Police Department, the sheriff’s department or the county constables will show up, not the Border Patrol, not Immigration Customs Enforcement officers. They don’t come to protect my home.

Securing our borders is a Federal responsibility. This body is responsible for ensuring that there is enough funding for detention beds and Border Patrol officers. We shouldn’t put the responsibility on our local law enforcement officers to fill the gaps, and we should be doing our own part to ensure the security of our borders and interior enforcement. The cuts in funds for local police make it hard to protect our lives and property. I urge my colleagues to vote against H.R. 6095.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of H.R. 6095. Let me say as somebody who was involved in local law enforcement as a county supervisor and an individual and as a deputy, it is astonishing to me when it comes down to enforcing our immigration laws how individuals in this institution can find every excuse in the world to not enforce the laws or not wanting the laws enforced.

Now, in all fairness, you want to talk about the cost of law enforcement. Mr. Speaker, in my County of San Diego, the cost of illegal immigration to our law enforcement agencies is $50 million a year, just identified from the County of San Diego. The fact is that there should be involvement in local law enforcement to have the option. But actively there are groups here and groups in California urging local law enforcement officers they can’t get involved in the illegal immigration issue until there has been a major crime such as murder, rape or mayhem. That is absolutely absurd.

The frustration in law enforcement is being pulled both ways on these issues. Anyone who is sworn to enforce the law knows the impact of illegal immigration, and every law enforcement officer in the long run wants to do everything they can to participate.

I just cringe to think about what our drug policy and drug enforcement policy would be in this country if we took the same attitude, that if a San Diego police officer saw a drug smuggler coming into the country, he or she could not intervene because that is a Federal drug law that is being addressed.

Mr. Speaker, I ask that we stop finding excuses on not allowing our local law enforcement to do what they know is right, and that is fight illegal immigration.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to a distinguished member of the Committee on the Judiciary, the gentleman from California (Mr. Berman) for 5½ minutes.

Mr. BERMAN. Mr. Speaker, I thank my ranking member for yielding.

Mr. Speaker, I would like to remind the body of what we have here. We have a bill with three sections, the first of which, in the chairman’s own words, reinforces the authority of the local governments to do something that hell freezes over and we all accept that they would have the authority to do anyway.

I call that one the let’s use the Iraq model for dealing with the issue of illegal immigration; subcontract large functions of it, but unlike in Iraq where we overpay the subcontractors, here tell the local law enforcement people we are giving up at the Federal level trying to deal with this problem, we are not going to give you a penny for more jail cells or a penny for more officers. Not going to give you a single dime to do anything about it, but we are here to tell you if you want to, you have the authority to arrest and detain people who are in this country illegally without regard to whatever acts they may have committed.

The second section of the bill is alien smuggling. It has a bunch of findings, it has a sense of Congress, and then says, authorize, but no funding, 20 more people to do something about alien smuggling.

And the third one is designed to deal with catch and release, the practice whereby non-Mexicans who are caught in this country in the past have been released rather than returned immediately to the country they came from because Mexico is not the country that they are from.

According to the Director of the Department of Homeland Security, we are currently detaining all El Salvadorans, or virtually all, because we now have enough beds, and we have enough to significantly reduce the total number of non-Mexicans. Catch and release is over. This bill won’t make it. It is over. My request is, maybe if you reelect us next year, we will have recessed for the elections. This is another one-House bill. Let me quote the Washington Post. “With little more than a week left before the September 29 start of the Congress’s scheduled recess, GOP leaders are considering appending some or all of the bills to must-pass spending measures before they leave town. But Senate Appropriations Committee Chairman THAD COCHRAN (R-MS) appeared to close off that avenue last night, saying he will not add any legislative language onto the spending bills that could slow their progress in the final days before the coming recess.”

Another one-House bill. And then what will happen, a week from now we will recess, and the Republicans and the majority hope that the American people will be convinced that they have done something about one of the most serious national crises we have, and that is the crisis of inability to enforce our borders. There are 12 million people in this country using false identifiers, the absence of any employer verification system.

But in reality, none of that will have happened. The Republican Congress will have recessed for the elections with the mere hope that maybe when we come back with the lameduck, or maybe if you reelect us next year, we will get serious about this problem.

There is nothing in this bill or other bills that are being sent over to a House that will not take them up and consider them that will make this crisis any better.

And what do we have to do to do something serious? Back in June or July or in the beginning of September, a motion to go to conference on the two larger bills that the Senate and the House passed. This won’t work. This bill is nothing. It doesn’t do anything for anybody. It won’t become law.
Mr. SENSENBRENNER. Mr. Speaker, once again the gentleman from California repeats the same old refrain that it is the fault of this House that a conference has not been set up.

That is not the case. The Senate never messaged their bill to the House when they passed it in May. The only place where a conference can be set up is in the other body, and they can take up the House-passed bill and strike out all but the enactment clause and set up a conference. And only they can explain why that has not been done.

Secondly, the gentleman from California says that the catch and release program is meaningless. The Secretary of Homeland Security disagrees. I have a letter supporting the changes, specifically stating that the injunction that was issued against expedited removal of Salvadorans is costing the taxpayers money. This bill changes that.

And I will include the letter sent to me by Secretary of Homeland Security Michael Chertoff on September 20 in the RECORD at this point.

Mr. Chairman. Thank you for your support of critical injunction reform legislation, which will significantly support the Department of Homeland Security’s (DHS) efforts to maintain “catch and remove” of non-Mexican illegal aliens apprehended along our Nation’s borders. DHS urgently needs Congress to approve this legislation to ensure that long-outdated court decisions do not frustrate efforts to secure the border.

DHS has made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Nation’s borders. In fact, DHS now detains all eligible individuals for prompt removal upon apprehension along both the Southwest and Northern borders. However, I am concerned that DHS will not be able to maintain this success because of a 1988 court order that impedes its ability to quickly remove Salvadorans caught after illegally crossing the Nation’s borders.

The 1988 court decision hinders DHS’s ability to place aliens subject to the injunction into expedited removal proceedings—proceedings that allow for quicker immigration processing. Consequently, aliens must be placed into full administrative immigration proceedings. Consequently, they are detained for an average of 48 days prior to removal in contrast to the 2 days prior to removal on the Southwest border for illegal entry and placed into expedited removal who are detained for an average of only 19 days prior to removal.

At an average cost of $95 per day for detention, the inability to fully utilize expedited removal for this population costs the taxpayer approximately $1,445 per day prior to transfer in order to afford them the opportunity to obtain counsel. DHS acquires detention space based on current migration trends. If aliens shift migration routes to a jurisdiction outside of the current area where extra bed space is available, this injunction could have serious repercussions on DHS’s ability to detain such aliens due to the restriction on transferring them to areas of higher detention capacity. If the shift is significant, the injunction could place enormous strain on available detention space, potentially forcing a return to the recently ended practice of “catch and release” where aliens would be obtained, if available, in appropriate locations.

This decision was issued at a time when El Salvador was in the midst of a civil war and immigration was governed by very different statutes. Yet, the decision continues to dictate the processing of Salvadorans almost 20 years later. On November 17, 2006, DHS fully explained to the district court the dramatic changes in the facts and the law that have occurred since the entry of its perpetual injunction. DHS asked the district court to lift its order; but, I have no firm date for when this process will reach its conclusion in the district court or upon appeal.

There are additional longstanding civil injunctions that impede DHS’s ability to effectively enforce the Nation’s immigration laws. The injunctions have created onerous operating procedures that require the commitment of vast amounts of government resources. They detrimentally impact on our ability to process visa applications on a daily basis, often frustrating DHS’s efforts. One such order has resulted in the creation of extra procedures requiring substantial additional resources for processing.

Another such injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work.

For all practical purposes, such invasive court-ordered requirements hamstring the President and Congress’s authority over the borders even when the conditions that gave rise to such requirements may have changed. Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions.

With this legislation, Congress will be taking significant steps to ensure that DHS is no longer held hostage by these antiquated court orders.

Sincerely,

Michael Chertoff.

Mr. Speaker, I now yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the chairman for yielding, and I certainly thank him for his leadership on a variety of issues to help strengthen our border.

Mr. Speaker, I rise in strong support of H.R. 6095. But it is the specific provisions of this legislation that I think it is important to put this bill in the larger context because, Mr. Speaker, we are having a debate that has been ongoing for a number of months in this body; and, Mr. Speaker, there are parts of us who believe that border security is national security. We ignore our borders at our own peril.

Iraqis have been caught trying to infiltrate our southern border. Jordanians have been captured, having infiltrated our border. Areas of the world where al Qaeda recruits, these people have crossed our border. Al Qaeda has made contact with human smugglers in Mexico. Every evening thousands are attempting to cross our borders, and only some are apprehended.

Now, Mr. Speaker, I know that many are good folks who are merely trying to feed their families and mean us no harm. Yet some also come here because they seek free education and free health care and welfare. Some are coming here because they are bringing violence and pushing drugs to our children and grandchildren. And, unfortunately, there may be a few who are coming here to carry weapons to our borders. Again, we ignore border security at our own peril. Yet Democrats are holding our border security hostage for their views on amnesty, their views on giving government benefits and welfare to those who are here illegally. Mr. Speaker, this is unacceptable.

Now, this bill will help, help eliminate the catch and release program. At least in my part of Texas when constituents hear “catch and release,” they think it happens with birds. They have no idea that we have been apprehending illegal immigrants and letting them back on this side of the border. That is unacceptable. And contrary to what some of our friends have said on the other side of the aisle, this does not mandate that local law enforcement get involved in this battle, but it helps empower them. And we are fighting a global war on terror, and shoring up porous borders is a critical part of that war. Why can’t we come together as Republicans and Democrats and Independents and secure our border first?

I understand there are many legitimate issues, but at the end of the day, Mr. Speaker, we are not debating immigration, we are debating immigration, legal or illegal, and we allow illegal immigration at our own peril.

Let’s secure our borders, and let’s support H.R. 6095.
Mr. Berman. Mr. Speaker, I will be very brief.

There is only one response to my friend the chairman. If the issue is about papers and the only reason we haven’t gone to conference committee is because our leadership hasn’t had the power, I do have Senator Frist’s phone number, and I am happy to provide it. I cannot conceive that it is a matter of paperwork and process that is keeping us from going to conference committee. This is one of the most serious domestic issues this country has faced.

Secondly, in response to the following speaker, the reason we cannot quite unite to do something here, apparently it is because we are not going to unite on a fool’s errand. Everyone on your side of the aisle, from the gentleman from Colorado (Mr. TANCREDO) to the chairman to others, has acknowledged over and over again we are not going to deport 12 million people. You are not going to have local law enforcement pick up the task of deporting 12 million people.

A meaningful response is border security, because there are people here who are national security issues and there are people who are aiming to hurt us who want to cross this border illegally, and dealing with 12 million people who are operating under false identifiers, some of whom are bad people, and finding some system to either isolate and narrow that group or have them come forward, and most important of all, to get an employer verification system in place. None of these bills does anything about it. We are going to leave here in a week doing nothing about it. I don’t understand how you are going to explain to your constituents and the people who are understandably upset about this issue that this Congress has addressed a very serious law enforcement problem in a serious and coherent fashion. We haven’t.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from California (Mr. BECERRA) is offering an amendment to the bill. This is an issue about papers. It is about a pretty important paper that has served our country well called the Constitution of the United States. Article I, section 7 says: “The Congress shall have the power to deport any immigration bills. But this is what we have today, and the American people want to see us proceed.

This bill reasserts that State and law enforcement agencies can deport Federal officers on immigration law whenever they reasonably can and if they choose to. What a weird thought. We might get help from our local law enforcement as they do in drug enforcement.

It is a policy that our law enforcement community has conducted successfully for decades in helping this government, the Federal Government, enforce Federal drug and racketeering laws. This is not new.

Why then the outrage and the mass lobbying against it by the pro-illegal immigration crowd, or should I say open border crowd?

Because they are going to the heart of our enforcement problem, that is, simply a lack of enforcement. That has been our problem. Across the board, from the local to the workplace to illegal immigrant crime, we have allowed the system to become hopelessly stacked against enforcement.

In regards to rounding up criminal illegal aliens, we currently have roughly 5,000 Federal agents trying to apprehend 500,000 illegal aliens with court orders against them. Eighty thousand of them are serious felons, such as murderers, drug dealers, child molesters, rapists. Vote against this bill if you want those people to stay out on the street. That is all right.

These odds, obviously, are impossible. There is no way we are going to have 5,000 Feds catch 500,000 violent criminals. But if we allow our 700,000 State and local police to volunteer to help, and they are going to the heart of our enforcement problem, that is, simply a lack of enforcement. That has been our problem. Across the board, from the local to the workplace to illegal immigrant crime, we have allowed the system to become hopelessly stacked against enforcement.

And that undermines the illegal immigration lobby’s theme song, which is the lie that we cannot stop illegal immigration. So, well, let’s just go out. Let’s just give in.

Well, we can stop all these problems if we only have the will. This body needs to have the will. The Senate has to do what it has to do, but we are the people’s House. We need to show the gumption to get this done. This legislation puts in place meaningful partnerships between State and Federal authorities to multiply manpower will get the job done.

We are not talking about going after illegal aliens who are otherwise obeying our laws wherever they work. This bill is targeted only on criminal aliens. Ironically, most of their fellow victims are their fellow immigrants.

Let’s make one point absolutely clear. There is nothing in this bill that prevents local law enforcement from deporting any illegal immigrant crime victim who comes to them for help.

Mr. Speaker, this short bill is the key component in the CLEAR Act that I introduced 3 years ago. It has already passed this House twice as a part of larger legislation. I think my friend from California didn’t vote for it, but it did pass this House. Let’s send this over to the Senate as a clean, short bill and see what they have got to say about that.

I thank the chair for yielding me the time.

Mr. CONYERS, Mr. Speaker, before I yield to the gentleman from California (Mr. BECERRA), I yield myself such time as I may consume.

I always like to hear the gentleman from Georgia describe these bills. He says it only targets violent felons, and I would love to find that place in the bill where that is the case.

Nothing in this bill says that State and local law enforcement are authorized to enforce immigration law but only to focus their efforts on immigrants who are serious felons. In a news release after the gentleman from Georgia described these bills, he said that this bill would provide funding for training and resources for State and local enforcement agencies to voluntarily enforce immigration laws. Nothing in the bill provides any money for training or resources for State and local enforcement. Not a dime. And that is why I have 25 pages of law enforcement officers that are opposed to the bill. Chiefs of police, mayors, sheriffs are all opposed to this bill. Republic and Democrats, I might add. Of course, I said, of course, I said.

Well, this is leading the House to believe that it is all right for everyone in the body that we can already detain criminals or anyone that commits a criminal act, whether they are an immigrant or a citizen, but the problem is that only the Federal Government can deport anyone. So anybody committing a crime is subject to being detained.

This bill isn’t about immigration reform. It is further evidence of a failure of leadership for us to have this body connect with the other body to get a conference going.

The gentleman from California (Mr. Berman) offered to make a phone call. I would offer to bring the news of the passage of the immigration bill in the House to the majority leader of the House to the majority leader of the Senate to the majority leader of the Senate to the majority leader. We would deliver it if that would help them get the news that there ought to be a conference. I think that patently it is obvious that they know about this, and somewhere in the Republican leadership there is a huge desire not to have a conference.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a former member of the Judiciary Committee.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership.

Mr. Speaker, with 5 days left in this session, with the failure of this House to pass comprehensive immigration reform to accept the challenge posed by
the Senate which did pass comprehensive immigration reform, are we now left with a campaign stunt to try to pass something out of this House so that it can appear that as Members of Congress go home to campaign that we have done something on the issue of our broken immigration system.

Unfortunately, this legislation, like the previous bills that we are debating on this floor, fail to do one very important thing, and that was, ask the very people who this bill would impact most why would our local and State law enforcement officers what they think about this.

Because if you would have talked to them, they would tell you, please do not do this. We have had sufficient experience with what the Federal Government wishes to do when it comes to its Federal laws on immigration, and that is, it passes the buck without passing the money. This bill is no different. This passes the buck, but offers not one, a single dime of funding to help States or the Immigration laws that are a Federal responsibility.

For years our State and local governments have been asking Congress to fix the broken immigration laws that we have and we will ask State and local police officers to pick up the tab, pick up the slack where the Feds have failed.

Mr. Speaker, you do not need to look very far for proof of that. Take a look at the State Criminal Alien Assistance Program. That is the Federal Government's effort to try to help States deal with the incarceration of criminal aliens.

The President's budget included not a single dime of funding to help States offset the cost of having to incarcerate criminal aliens. The Congress did a little bit better, but still is funding that program for all 50 States at less than one-third of what they are currently spending to incarcerate aliens who should be deported but committed crimes in our country.

What else? Take a look at the Federal Government's enforcement of our laws that prohibit individuals in this country from fraudulently hiring people who do not have permission to work in this country. How many enforcement actions did this government, this Federal Government, take against people who are abusing the laws and taking advantage of illegal aliens. Americans citizens would like to take those jobs? Three enforcement actions in all of 2004.

State and local law enforcement officers know what happens when those bills are passed, the buck gets passed with it and no money gets passed along. Mr. Speaker, police officers are also telling us why we want to have to enforce Federal immigration laws when we have to enforce the local laws to protect our citizens.

If a crime is committed in our country, why would an immigrant who is already living in the shadows come out of the shadows to report a crime that he or she witnessed, if he or she knows that now we will pick them up on an immigration infraction? This is crazy. But this is what we are left with these last final days.

Mr. Speaker, we can have comprehensive immigration reform. The Senate did it. It is a shame that the House has not decided to follow suit. I would urge Members to vote against this legislation.

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

What we are witnessing in the last few days is an effort to make sure somebody believes that we have sincerely worked on immigration rather than go to conference with the two major bills left.

We tried during the recent recess by holding a series of hearings across 13 States, to make sure people thought that we were working and concerned about immigration. As the newspaper reports show, it failed dismaly.

So what we are doing now is to say let's keep the immigrants out. Let's keep them out.

Mr. Speaker, during the debate on this bill and the debate on the two previous border security and law enforcement bills, we have heard time and time again why there not a conference between the Senate and the House on the differing bills that we passed, and that this is just merely a matter of papers, and this can be solved with a couple of phone calls over to the other body.

Well, the constitutional problem cannot be solved by phone calls. Because the Constitution's mandate that revenue-raising bills originate in the House of Representatives is pretty clear, and it has been there since 1789. No one in the other body has not passed a bill that can be sent to conference because of the revenue-raising provisions that were contained in their bill. They chose to do that; we did not. And it is unfair and probably unconstitutional to blame this House for not resolving over the House of Representatives the fact that the Senate bill violates article I, section 7 of the Constitution of the United States.

Having said that, let's get down to the nub of this bill. The nub of this bill specifically authorizes voluntary agreements between the Federal Government and local law enforcement to help in the assistance and enforcement of our immigration laws. Let me say these voluntary agreements that we are dealing with is voluntary.

No local government agency or local law enforcement agency is forced to do anything under this piece of legislation in helping the Federal Government enforce immigration laws.

But if they do do it, they should have statutory authorization. And where are the benefits going to be if there is cooperation between the Federal Government and State and local law enforcement in helping enforce our immigration laws? It is going to be in the immigrant communities themselves. Because most of the crimes that are committed by illegal immigrants in our country are against other immigrants, be illegal and illegal.

As a result of the current system, which this bill hopes to encourage to change, we will be able to make those immigrant communities safer. Now, the bill specifically states that nothing in this bill specifically states that nothing in it may be construed to require State or local law enforcement personnel to report the identity of a victim or a witness to a criminal offense to the Department of Homeland Security.

So if one of the bad guys hits an illegal immigrant, the local law enforcement that investigates this does not have to report to DHS the fact that the victim is an illegal immigrant, and nor does that illegal immigrant victim have to be arrested because that person is a victim or a witness, and the arrest would be for an immigration law violation.

State and local law enforcement are not going to be reporting victims of crime. And they know best how to investigate immigration violations.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. SENSENBRENNER. Mr. Speaker, the reason we are not at conference is because many in our business world need immigrant labor, and the companies that support the Republican Party that says, get tough on immigration, are the same ones that then turn their back and do nothing.

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

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Mr. Speaker, I yield back the balance of my time.
Mr. Speaker, this is a good bill. It helps leverage the assets that we have. I am for increasing the number of ICE agents and Border Patrol agents and increasing the number of detention beds, but passing this bill is something that we can do now to increase the effectiveness of law enforcement in dealing with these issues.

Mr. Speaker, I will repeat once again that the communities that will be safer will be the immigrant communities, both the legal immigrants that are present there as well as those that are not legal. Pass the bill.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6095, the “Immigration Law Enforcement Act of 2006.” This legislation takes an important step toward greater prosecution of human smugglers, known as “coyotes,” and I thank Judiciary Committee Chairman JIM SENSENBRENNER for bringing this legislation before us. This legislation also authorizes State and local cooperation with Federal immigration enforcement efforts, as well as helping to end the catch-and-release of criminal aliens.

I have spoken about the need for increased prosecution of coyotes many times. I have corresponded numerous times with the Attorney General on the subject imploring in increased prosecution. Last year I introduced the Criminal Alien Accountability Act that would stiffen the penalties for coyotes and other immigration smugglers. My legislation was incorporated in large part into H.R. 4437, the “Border Protection, Antiterrorism, and Illegal Immigration Enforcement Act of 2005,” which passed the House last December. However, major roadblocks impeding the prosecution of coyotes remain, and they are the lack of acceptance of these cases by U.S. Attorneys and a lack of uniform prosecution guidelines among the U.S. Attorney offices along the southern border.

The U.S. Attorney’s Office has stated in the past that it does not have the resources needed to fully prosecute arrested coyotes. For example, the Border Patrol was instructed to release known coyote Antonio Amparo-Lopez, an individual with 21 aliases and 20 arrests. Releasing a criminal such as this is completely unacceptable when border agents are working hard to make the arrests in the first place.

I, along with Chairman SENSENBRENNER, recently met with U.S. Border Patrol Sector Chief Darryl Griffin and U.S. Attorney Carol Lam in San Diego to discuss these problems. Our meetings demonstrated the differences in opinion between those who arrest human smugglers and those who prosecute them. Importantly, we learned that U.S. Attorney offices have varied prosecution guidelines for human smugglers depending on where the office is located. This causes smugglers to use access points in states with weaker prosecution standards, increasing the criminal element in those communities.

H.R. 6095 calls on the Attorney General to adopt uniform guidelines for the prosecution of smuggling offenses. This change could help lessen the burden on borders areas within the United States that currently are overrun by coyote operations, in addition to reducing smuggling in total. Additionally, H.R. 6095 authorizes 20 new U.S. attorneys for each year from FY 2008 through FY 2013 to help prosecute human smuggling offenses.

I will continue to work with others in Congress, the Administration, and the public at large to ensure the prosecution and removal of every criminal alien that is apprehended. Mr. BACA. I rise today to express strong opposition to the majority’s failure to seriously address the important issue of immigration reform.

Congress has had a real opportunity this year to produce meaningful bipartisan comprehensive immigration reform. But instead Republican leaders have decided to play election-year politics and cater to their base with bills like these. These bills are further proof that Republicans are not serious about real reform on immigration.

On the other hand, Democrats are serious about immigration reform and border security. If our amendments had been adopted over the last five years, there would be 6,600 more Border Patrol Agents and 2,700 more immigration enforcement agents along our borders. Republicans instead have held “sham” hearings that produced no results—nothing, zero. Second, they have not moved forward with a House-Senate conference on border security/immigration reform legislation. Finally, they are trying to fool our American public by bringing up these token bills that will not be even considered in the Senate.

These narrow-minded bills would have little impact on closing the numerous “security gaps” along our borders. Let’s not confuse, again and again, the real concern here.

After five years Republicans have nothing to show except for a few votes on band-aid attempts to address a complex issue. It’s time for a new direction.

Mr. ORTIZ. Mr. Speaker, it is deeply offensive for this House to continue on a piecemeal approach to the border security and immigration problem.

The fact is this Congress has not done any heavy lifting to effectively solve our border security crisis.

That’s an awful record for the majority party to carry into the election season, so we are forced to deal again with redundant legislation so the majority party can seem to be accomplishing something. But we aren’t accomplishing a single thing. What we’re doing today—in all these bills—is blowing more hot air at voters who are angry that we say we’re doing things to improve our border security—but we never pay for them.

Each year since 2001, Democrats have tried to add amendments to defense, homeland security, and emergency supplemental appropriations bills.

Not a single one was passed—if they were, we’d have 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents.

On the border, our not funding our promises brings local law enforcement a very large bill—yet another unfunded mandate.

When the Border Patrol finds an immigrant lawbreaker—mostly small drug possessions—they take them to the local jail where the local taxpayers foot the bill to hold them. The same local taxpayers then have to pay for the prosecutors and there aren’t enough judges. This is a cycle that won’t end.

Now the House Leadership is cutting up legislation we’ve already passed into many different bills to make it seem like we are working on this issue.

Mr. Speaker, the American people have every right to be angry with this Congress.

Let’s use the 9–11 legislation they were embarrassed into passing in December 04 as an example.

Not only did we not fund most of that bill, breaking many of our promises in it we passed virtually the same bill but added extreme provisions to criminalize those here.

In May of 2006, when the Senate passed an astonishingly better bill, the House closed down the process—refused to negotiate a final bill.

Instead, they passed an awful bill last December then spent the summer stalling any negotiation with deceptive “hearings.”

If the House Republicans were serious about border security, they would have moved forward with a House-Senate conference on border security and actual immigration reform legislation.

Today—in an effort to appear to have accomplished something, anything related to immigration and border security—we are considering the same bill we passed twice already, just chopped into smaller pieces.

This is what it means to fool people.

So, let us remember the old wisdom: you can fool some of the people some of the time, but thank God, you can’t fool all the people all the time.

That, I suppose, is the bad news for the crowd that thinks passing the same bills over and over is good politics.

Good politics these days means paying for the Nation’s protection and none of these bills take care of that business.

Mr. BONILLA. Mr. Speaker, I am proud that today Congress will pass vital legislation based upon legislation I drafted, the Fairness in Immigration Litigation Act of 2006, to close an egregious loophole that allows thousands of illegal aliens to remain in our country every week. Passage of this legislation will result in safer communities across our nation.

Currently, the Orantes injunction mandates that the U.S. Government afford all Salvadoran immigrants the benefit of full deportation proceedings and unwaived preclusion of the Department of Homeland Security to apply expedited removal procedures. The court order was issued in 1988 when El Salvador was in the midst of a bloody civil war and was designed to protect those seeking refuge in the United States. However, on January 16, 1992, a peace accord was signed ending 11 years of civil war and implementing strict human rights restrictions. Today El Salvador enjoys a democratically elected government and a developing economy.

Illegal aliens stream across our border by the hundreds on a daily basis. They present a toxic danger to the lives of people in every Texas community and across the United States of America. For over 14 years I have worked to raise awareness on Capitol Hill about the crisis facing our border communities. I have met with law enforcement officials along the border and discussed this critical issue with my colleagues in Congress, providing those in Washington with a first-hand perspective on how to increase our border security.
However, gangs such as Mara Salvatrucha, otherwise known as MS–13, and members of drug cartels now exploit this loophole in our legal system to thwart our immigration laws and obtain release into our communities. This legislation removes obstacles that prevent our government from effectively enforcing the immigration laws Congress intended it to enforce.

The threat of terrorism is real. Each day our border communities witness violence and fear created by ruthless members of drug cartels. We must not allow terrorists and criminals from around the world to abuse loopholes in our legal system to traffic our southwest border into a revolving door. The efforts of our law enforcement officials to catch, detain, and deport those who enter illegally must not be obstructed by those looking to abuse the system. I am proud that today Congress will overturn the outdated and obsolete Orantes injunction to protect the integrity of our legal immigration process.

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 6095, the Immigration Law Enforcement Act of 2006.

It’s important to Americans that local law enforcement officials are doing everything possible to arrest and prosecute criminals.

And it’s important that law enforcement officials know under exactly what circumstances they can lawfully arrest or detain a suspected criminal.

Take for instance the situation in which a police officer has reasonable suspicion to stop an individual and finds out that individual is in the United States in violation of our immigration laws. It’s contrary to common sense that the police officer be prevented from arresting that person simply because immigration is a Federal responsibility. But this is the argument of those who oppose this bill.

H.R. 6095 affirms the authority of State and local law enforcement officials to investigate, apprehend, and arrest illegal immigrants.

Several Federal Courts of Appeals, including the Tenth and Fifth Circuits, have agreed that State and local law enforcement officials have the authority to do so.

Unfortunately, opponents of this legislation believe that a police officer comes in contact with a suspected criminal who has violated immigration law, they should simply let the person go.

This situation was addressed in the 1996 immigration legislation that I authored. Because of that law, the Immigration and Nationality Act contains section 287(g), which allows the Attorney General to enter into written agreements with States and localities to set out provisions under which State and local law enforcement officers can help enforce Federal immigration laws.

But the law does not mean that just because there is no such written agreement, the police don’t have the authority to arrest illegal immigrants.

Law enforcement officers should arrest anyone who breaks the law. This bill is necessary to settle the debate once and for all.

I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise in opposition to the Immigration Law Enforcement Act of 2006, H.R. 6095. It will not protect United States borders, strengthen our national security, or address the nation’s immigration problems comprehensively. Instead of voting on H.R. 6095 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

H.R. 6095 presents a sense of Congress that the Attorney General should adopt, not later than three months after the date of enactment, uniform guidelines for the prosecution of smuggling offenses to be followed by each United States attorney in the United States. It also requires the hiring of additional personnel for prosecuting alien smuggling cases. For each year from FY2008 through FY2012, and after the appropriate appropriations, the Justice Department would be required to increase by not less than 20 the number of attorneys in the offices of United States attorneys employed to prosecute alien smuggling cases.

I find nothing objectionable about these provisions, but I do not believe that they will substantially improve our ability to deal with the alien smuggling problem. It would be more productive to consider an alien smuggling bill that I introduced a few years ago, the Commercial Smuggling Elimination Act of 2003, the CASE Act. It would establish a three-point program that was drafted with assistance from government officials who are involved in the investigation, disruption, and prosecution of commercial alien smugglers.

H.R. 6095 would extend local police officers the authority to enforce civil immigration laws. I do not want local police forces to enforce immigration law. Immigration violations are different from the typical criminal offenses that police officers normally face. The typical law enforcement activities of local police officers involve crimes such as murders, assaults, narcotics, robberies, burglaries, domestic violence, and traffic violations. It would require extensive training to prepare them to enforce immigration provisions.

If police act as immigration agents, undocumented immigrants are likely to be afraid to contact the police when a crime has been committed. If they as victims, witnesses, or concerned residents contact the police, they or their family members could risk deportation.

Expansion shows that this fear would extend not only to contact with local police, but also to the fire department, hospitals, and the public school system.

H.R. 6095 also would undermine local police’s role in enhancing national security. National security experts and State and local law enforcement officers agree that good intelligence and strong community relationships are the keys to keeping our Nation and our streets safe. Undocumented immigrants who might otherwise be helpful to security investigators would be reluctant to come forward for fear of immigration.

H.R. 6095 has an “Ending Catch and Release Act of 2006,” title, but the provisions under that title deal with injunctions in federal immigration litigation. “Catch and release” is a reference to the practice of apprehending aliens in the vicinity of the border and then releasing them pending removal proceedings. Apparently, the connection is the permanent injunction in Orantes-Hernandez v. Gonzalez, No. 82–1107KN (C.D.Cal. 1982). Homeland Security Secretary Chertoff has claimed that the Orantes case interferes with efforts to end the catch and release practice.

I am not aware of any provision in the Orantes injunction that would interfere with efforts to end the catch and release practice. In issuing the injunction, the court found that the former Immigration and Naturalization Service had engaged in a pattern and practice of coercing and otherwise improperly encouraging Salvadorans to waive their rights to a deportation hearing and to seek asylum as a defense to deportation.

H.R. 6095 appears to be an attempt to terminate the Orantes injunction through legislation, but its reach goes beyond the injunction. Among other things, a judge would not be permitted to provide relief in any immigration case involving a written agreement. The result of the impact the relief would have on national security, border security, immigration administration, and enforcement, and public safety. It also would impose arbitrary, unreasonable time limits on courts attempting to provide prospective relief.


AUGUST 14, 2006.

HOUSE OF REPRESENTATIVES.

DEAR SUB-COMMITTEE MEMBERS: I am writing to respond to your request for letter testimony before your sub-committee hearing on Wednesday, August 16th, 2006, at 9:30 a.m., at the Civil Courthouse 201 Caroline St., Houston, Texas. First let me say as Chief of the Houston Police Department (HPD) and also as President of the Major Cities Chiefs Association (MCC) I appreciate and wish to thank you for the honoring the home and privilege of putting into the official congressional record Law Enforcement’s comments and concerns on Immigration prior to the full enactment of any legislation on this important subject.

I will be submitting as an attachment to my testimony today the MCC’s Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies (chaired by my Deputy Director Craig E. Ferrell, Jr.), which were adopted on June 7th by the MCC in its meeting in the official congressional record. I also have additional attachments for the sub-committee members, but due to their length I have been told they can not be part of the written record.

Let me begin by giving my reaction to a recent federal legislative amendment aimed at eliminating federal law enforcement funding to local police. In short, both myself and chiefs of major cities across the country are dismayed by any legislative action aimed at eliminating the City of Houston and other local jurisdictions from receiving needed federal law enforcement funds. These funds are needed to put more officers on the streets of Houston to protect our residents, investigate and prevent murders, rapes, assaults, robberies, burglaries, and provide for homeland security efforts. It seems clear that some in Congress and the public fervently believe local police should become involved in enforcing federal civil immigration laws. Given these strong beliefs, we are left to wonder why the recent legislative amendments were not written to provide increased federal funding to local police to support such enforcement. Instead the amendments have sought to eliminate or penalize not only the City of Houston, but also Harris County, and other local and national jurisdictions, which will be negatively affected by this amendment. As a result of any law enforcement funding exclusion amendment, if it is applied to Houston and ...
Illegal immigration is being hotly debated in Congress and in our local communities. Opinions on how to address this complex issue are emotional and heated. Extremes exist on either side of the debate as represented by the recent mass demonstrations by immigrant groups and their supporters, and the growing anti-immigrant sentiment and the referendum effort of the group Protect Our Citizens in Houston. Both myself and chiefs of police in MCC representing first responders to over fifty (50) million immigrants. The City legal residents, visitors and undocumented community comprised of citizens, non-citizens, and the City and police agency that is responsible those of most major cities across America mandate. Illegal immigration is an issue with securing the borders and increasing law enforcement funding and in effort to create an unfounded mandate. Illegal immigration is an issue that affects our nation as a whole and any solution should begin first at the federal level with securing the borders and increasing enforcement by federal agencies.

Local enforcement of immigration laws raises complex legal, logistical and resource issues for local communities and their police agencies. Houston’s police department is one of the most major cities across America reflect the challenges and realities faced by a City that is responsible for protecting and serving a diverse community comprised of citizens, non-citizens, legal residents, visitors and undocumented immigrants. Policies seek to protect and serve this diverse community as a whole, while taking into account: the reality that the City does not have unlimited resources; its officers are prohibited by state law from racial profiling and arresting persons without warrants and without well established probable cause; is subject to civil liabilities under much laws, and it is clear need to foster assistance and cooperation from the public including those persons who may be undocumented immigrants. In an effort to clarify the City’s reasoned and model approach to this issue I have provided the following statements regarding the City’s policy and why we oppose the positions represented by the federal exclusion amendment and Protect Our Citizens’ referendum.

City does not have a sanctuary policy

Currently, the police department is operating a General Order 500-5 (See Exhibit 1). General Order 500-5 was implemented in 1992 by then Chief Nuchia, who is currently serving as a Justice in the Texas First Court of Appeals. [First Court of Appeals. The General Order includes the following provisions:

Houston police officers may not stop or apprehend individuals solely on the belief that they are in this country illegally.

Officers shall not make inquiries as to the citizenship status of any person, nor will officers ask persons soliciting the belief that they are in the country illegally.

Officers will contact the [Federal Immigration Authorities] regarding a person only if that person is a suspect of a criminal charge (other than Class C misdemeanor) and the officer knows the prisoner is an illegal alien.

The department has issued clarifications of our “immigration” policies and implemented changes to the department’s enforcement policies to increase cooperation between the departmental agencies on immigration matters that are criminal in nature. [ Exhibit 2] In the summer of 2005, I directed Executive Assistant Chief Thaler, Assistant Chief Audit Director, and Deputy Chief Counsel Craig Ferrell to meet jointly with representatives of the U.S. Attorney’s office and I.C.E. to discuss the department’s response to immigration detainees. Based on those discussions, the department developed procedures to accept and act upon immigration detainees issued by I.C.E. The police department further clarified that our officers are allowed to take into custody any person who the federal authorities state is a criminal alien. Immigration officers will authorize detention directly into a federal detention facility. In addition, whenever the department has a person in custody on other charges the immigration unit will not release the person from custody for up to 24 hours after we have received formal notice from federal authorities that they are wanted for immigration.

The City is committed to assisting I.C.E and any other federal agency wherever possible and reasonable to enforce against criminal violations and address criminal matters. The Houston Police Department has always acted to enforce laws relative to criminal violations and criminal matters, accepted criminal warrants and criminal detainers and assisted in criminal investigations, regardless of whether they emigrated from other jurisdictions or arose out of federal immigration enforcement. The department has been involved in various federal task forces addressing criminal matters including violent criminal gangs. Because we have and will continue to address criminal violations against any and all persons, regardless of their immigration status, the department and thus the City does not have a sanctuary policy as opponents of our policies have alleged. This is not the only City’s or the police department’s opinion but also that held by the Deputy Special Agent in Charge for Immigration and Customs Enforcement (I.C.E). In a recent Houston Chronicle article he stated that “Houston is not a sanctuary City . . . .” In the same article he further clarified that the department’s significant cooperation with I.C.E. [Exhibit 3]

Concerns with local enforcement of federal immigration law

Local enforcement of federal immigration laws raise many daunting and complex legal, logistical and resource issues for the City of Houston and the diverse community it serves. Unlike national policies our policy in this area must recognize the obstacles, pitfalls, dangers and negative consequences to local policing that would be caused by immigration enforcement at the local level.

Are detained by the police were later determined to be either citizens or legal immigrants with permission to be in the country. The Katy police department faced suits from these individuals and eventually settled their claims out of court. Because local police officers currently lack clear authority to enforce immigration laws, are limited in their ability to arrest without a warrant, are prohibited from racial profiling and lack the training and experience to effectively enforce immigration laws, it is more likely the City/policing department will face the risk of civil liability and litigation if we actively enforced federal immigration laws.

UNDERMINES TRUST AND COOPERATION OF IMMIGRANT COMMUNITIES

Major urban areas throughout the nation are comprised of significant immigrant communities. In some areas the immigrant community reaches 50-60 percent of the local population. Local agencies are charged with providing law enforcement services to these diverse populations. The enforcement activities of both legal and illegal immigrants. The reality is that undocumented immigrants are a significant part of the local populations and already present, serve and police. The City of Houston faces the same challenges.

Police have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach by specially trained and localized officers who work with immigrant groups. We have a clear need to foster trust and cooperation with everyone in these immigrant communities. Community based cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to solve crimes and maintain public order, safety, and security in the whole community. Local police contacts in immigrant communities are important as well as the area of intelligence gathering to prevent future terroristic attacks and strengthen homeland security.

Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. The undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they continue to fear contact with the police and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly local immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terrorist acts.

Ms. FOXX. Mr. Speaker, today I rise in strong support of H.R. 6095, the Immigration Law Enforcement Act of 2006 and to affirm the inherent authority of State and local law enforcement to assist in the implementation of immigration laws.

This year, I had the privilege to participate in two Government Reform Subcommittee field hearings in North Carolina on this very subject, one of which took place in my district.

Legal immigration enforcement has been the No. 1 topic prompting my constituents to write and call my office. It is also the No. 1 problem expressed to me by many of the local officials I represent.

In recent years, State and local governments have had to make extraordinary adjustments to accommodate illegal immigration. Over 300,000 illegal aliens are estimated to reside in North Carolina, and that number is increasing. As a whole, our counties and communities, now saturated with illegal aliens, are spending billions of dollars on public health, public education, law enforcement and social services for people who are residing here illegally. Every dollar spent on an illegal alien is a dollar diverted away from a law abiding, tax-paying citizen. Illegal immigration affects virtually every aspect of life in America.

Few States have had to struggle with this burden as much as North Carolina, where the
illegal immigration population is rapidly approaching half a million. North Carolina is currently one of the six major destination states for illegal aliens and has one of the five highest ratios of illegal immigrants to legal immigrants. During the 90s, the immigrant population of Forsyth County alone exploded by 515 percent, meaning that two-thirds of the county’s foreign-born population had entered in just 10 years.

My State’s government estimates that Medicaid costs due to illegal immigration have doubled. The State is spending over $200 million annually to educate the children of illegal aliens, more than a 2,000 percent increase in 10 years. Across the State, the criminal justice system is disrupted as courts and law enforcement struggle, particularly in rural counties, to find translators to assist in investigations and court proceedings for foreign-speaking defendants.

Too many stresses and strains are being put on State and local governments at once and there is a clear need for government officials at all levels to decisively reverse these trends.

It is in cities like Winston-Salem, as well as smaller communities, that the presence of illegal aliens who’ve committed other crimes is most keenly felt. One solution to these dilemmas that has been growing in use since 2001 is what is generally known as the 287(g) program. The authority of State and local law enforcement to determine if immigration laws have been violated; they can process and fingerprint them for such violations; and they can prepare documents for deportation and refer criminal aliens to ICE for potential Federal prosecution.

It is the constitutional responsibility of the Federal Government to protect the borders and enforce our laws. Given the scope of the problem of illegal immigration, the Federal Government should move quickly to provide authority to State and local law enforcement to combat illegal immigration. We will never get a handle on this growing problem if we don’t.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to the three bills being considered today. My wish is to bring to the floor for a vote makes it clear that the majority has one thing on its mind, election year political concerns. As far as I can tell, these bills were not given hearings or marked up in committee. In fact, two of these bills were just introduced this week. Members have had very little time to look at these bills and to consider the ramifications should these bills be enacted into law. This is no way to craft good, solid legislation. These bills represent a half-hearted attempt at building immigration enforcement and border security. Instead of taking a rifle shot approach to the immigration issue, the House and Senate should have went to conference on the immigration bills that passed each chamber. Unfortunately, rather than coming together and hashing out differences, the two Chambers began holding field hearings about why their Chamber’s bill was better than the other Chamber’s bill. It is time to stop these antics and appoint conferees so we can create a good bill.

Mr. Speaker, given the fact that we have had very little time to consider this legislation, and that we cannot even offer amendments on the floor to try and do what the committees could not, I will vote “no” and urge my colleagues to do the same.

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

The SPEAKER pro tempore (Mr. Sweeney). Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit. The SPEAKER pro tempore. Is the gentleman opposed to the bill? Mr. GUTIERREZ. Mr. Speaker, I am in its present form. Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments: Page 3, after line 12, insert the following: (2) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010. Over the last two years, the Republican Congress has failed to the promise they made in the 9/11 Act of 2004, to the detriment of efforts to combat alien smuggling. (3) Alien smuggling continues to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate versions of immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the House bill to the Senate in a form agreed to by the two Committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the nation’s immigration problem comprehensively.

Page 3, line 13, strike “(2)” and insert “(4)” Page 3, line 17, strike “(3)” and insert “(6)” Page 3, line 21, strike “(4)” and insert “(6)” Page 4, line 3, strike “(6)” and insert “(7)”.

Page 4, after line 25, insert the following:

(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase— (1) by 2,000 the number of immigration agents; (2) by 250 the number of detention officers; (3) by 250 the number of U.S. Marshals; (4) by 25,000 the number of detention beds; (5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. GUTIERREZ. During the reading of the bill, Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit. The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit for the same reason that I made a point of order against the gentleman from Illinois’ previous motion to recommit.

Clause 7 of rule XVI precludes amendments on a subject different from that under consideration.

Mr. DINGELL. Mr. Speaker, given the fact that we have already cut off the debate on habeas corpus, which is on page 1515 of the report, the motion to recommit pertains to a subject matter different from the legislation under consideration. It is the same motion to recommit that the gentleman from Illinois made to the previous bill by increasing the number of U.S. marshals by 250, which is on page 2, line 15 of the report to recommit.

The U.S. marshals do not have a role in enforcing the immigration law. Thus, the motion to recommit expands the scope of the bill and is non-germane, and it fails the test of germaneness contained in clause 7 of rule XVI.

The SPEAKER pro tempore. Do other Members wish to be heard on the point of order?

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Speaker, I would argue that it is germane to the bill. When you take the whole bill subject to consideration, and we look at
representing a number of different immigration reform proposals, and my sections address those same exact matters. All day, Mr. Speaker, we have been hearing from the proponents of this and other immigration bills argue that the immigration reform proposals included in this bill are viable alternatives to much more comprehensive immigration reform legislation that has stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to many other immigration reform proposals this House has considered over the past 2 years. Republicans are trying to pretend that the 109th Congress has not debated the immigration issues on many other occasions other than today. That is simply wrong. This House has debated the subject matter of this bill many times.

My motion certainly suggests a better way to handle the subject matter on this bill, which is to go to conference with the comprehensive bills that the two Houses have already passed. The subject matter of this bill is immigration reform. The subject matter of the proposals to recommit this bill is also immigration reform. The only difference is that my proposal would actually require Congress to do something.

Republicans are addressing the immigration issue with press releases. I am saying the more responsible way to address the subject matter of this bill is to go to conference and actually pass a law.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman’s comments are not addressing the point of order which I have raised.

The SPEAKER pro tempore. The gentleman from Illinois must confine his remarks to the point of order.

Mr. SENSENBRENNER. Well, it seems to me that it is germane, Mr. Speaker. We have heard on repeated occasions that what we are considering is the first step. We have heard that repeatedly here today. We have other bills, and simply what my motion to recommit instructs us that we go to conference to take it into consideration into the totality.

We agree, Mr. SENSENBRENNER and I, if we can sit down and actually have regular order, we would find that we have much agreement on securing our borders, on a number of the issues that have been raised here today. No one on this side of the aisle is pretending to stand up for gang membership or drug dealers. We want them out of the country also.

But we also understand that like Mr. Tom Ridge, of Homeland Security, and Congressman SENSENBRENNER referred to the current Homeland Secretary in his statement, we have statements from the former Director of Homeland Security that we need to deal with. So I think it is germane, Mr. Speaker.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule. The bill is confined to matters of immigration. The motion to recommit addresses matters unrelated to immigration. For the reasons stated by the Chair earlier today, the motion is not germane.

The point of order is sustained.

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on his motion to recommit as well.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. REYES moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, after line 12, insert the following:

(2) Alien smuggling is a continuing threat to our Nation’s security, leaving the United States vulnerable to terrorist attacks.

(3) Alien smuggling continues to be a threat to the security of the United States because of, among other things, the following:

(A) The 9/11 Act of 2004 provided for 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010, which provision has not been implemented. Over the last two years, the Nation has been left short 5,000 detention beds, and nearly 500 immigration agents short of the authorized amount in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(B) From 1993 to 2000, there were added, on average, 426 new immigration agents per year. Despite the fact that 9/11 highlighted the heightened need for these resources, from 2001 to 2006, there were added, on average, only 411 new immigration agents, to the detriment of efforts to combat alien smuggling.

(C) Since 2001, the Congress has not enacted legislation to address the 9/11 Commission recommendations to combat alien smuggling.

Page 3, line 13, strike “(2)” and insert “(5)”. Page 3, line 17, strike “(3)” and insert “(6)”. Page 3, line 21, strike “(4)” and insert “(7)”. Page 4, line 3, strike “(5)” and insert “(8)”. Page 4, after line 12, insert the following: (d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals to assist the courts in immigration matters;

(4) by 25,000 the number of detention beds;

(5) by 1,000 the number of investigators of fraudulent schemes and documents which violate sections 274A, 274C, 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit. It is the same point of order that I made on the previous motion to recommit. The motion to recommit violates clause 7 of rule XVI and on page 3, lines 1 and 2, it has the same effect of increasing the number of U.S. marshals who do not have jurisdiction over immigration violations.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Does the gentleman from Wisconsin insist on his point of order?

Mr. SENSENBRENNER. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. REYES. Mr. Speaker, before being selected to represent a border district in Congress, I served for 26½ years in the United States Border Patrol, including 13 years as sector chief in McAllen and El Paso, Texas. I have years of experience of patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and working to do everything in our power to strengthen America’s borders and to reduce illegal immigration. So I know from firsthand personal experience what works and what doesn’t when it comes to border security and to immigration law enforcement.

Given my background, Mr. Speaker, I attended many of the hearings on the border security and immigration that were called by the majority this summer, along with my Republican colleagues. It is obvious from the bill before us today, however, that though the Republicans held these hearings, they did not actually do very much listening. Rather than charging our already overwhelmed enforcement agencies with enforcing immigration law, which is, I might point out, a Federal responsibility, we need to give the
Department of Homeland Security the resources that they need to do their job.

With this motion to recommit, we help rectify the failure of the Republican leadership to fulfill the recommendations of the 9/11 Commission, which, in its way, Mr. Speaker, is 5 years overdue.

Specifically, over the next 4 years, we would authorize a total of 8,000 new Border Patrol immigration agents, 1,000 additional immigration detention officers, 1,000 more U.S. marshals and 100,000 new detention beds.

The idea that we have here, Mr. Speaker, is simple. If we are really serious about helping to stop illegal immigration, we have to give the Department of Homeland Security the personnel and the detention space that they so desperately need today.

Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea what Congress really needs to do to help keep Americans safe, or they are more interested in scoring cheap political points with the voters back home this election season than in actually protecting our country.

If it were after the terrorist attacks of 9/11, and the Republican leadership is still wasting our precious time, we need real action now. We don’t need more rhetoric. The American people are counting on us, and we cannot go back on our word. We must finally give the Department of Homeland Security the resources that they need to keep this great country of ours safe.

I ask all my colleagues to vote in favor of this motion to recommit.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit guts the bill. There is no question about the fact. My friends on the other side of the aisle do not want to have cooperative agreements between the Federal Government and State and local law enforcement to help enforce immigration laws.

The bill that was never messaged by the other body prohibits such a practice, and that means that our State and local law enforcement officials have their hands tied behind their back when they see violations of immigration laws. They have to see a crime actually committed, which means that if the other side has their way, you are going to have victims, and we don’t want that. We want to make sure that the immigration laws are enforced, and we need the help, voluntarily, of State and local law enforcement to be able to do that.

The motion to recommit also guts the ability to end the catch and release of illegal immigrants caught along our borders. Now, in the letter from Secretary Chertoff of the Department of Homeland Security that I introduced into the RECORD earlier in this debate, clearly shows the problem that occurred as a result of an injunction against expedited removal of Salvadorans.

Now, what nationality are the people in the MS-13 gangs? Largely Salvadorans. So to get rid of MS-13, we have got to pass this bill and vote down the motion to recommit.

Now, this motion is ineffectual, because only the Appropriations Committee can actually fund increases in any account, whether it is the Department of Homeland Security or anyplace else.

Led by Republicans, the House and Senate Appropriations Committee have done a stellar job in increasing the funding for new agents. Over this year and next, our appropriators will increase Border Patrol strength by 2,700 agents. This is close to the maximum number of new agents who can realistically be recruited and adequately trained in this time span.

Now, the other side can have a pie-in-the-sky number, thousands or hundreds of thousands of agents and the like, but we have a limited capacity to recruit and train new agents, and the appropriators are very close to the max in doing this.

Vote down this pernicious motion; pass the bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

The yeas and nays were ordered.

Mr. Speaker, this motion to recommit guts the bill. There is no question about the fact. My friends on the other side of the aisle do not want to have cooperative agreements between the Federal Government and State and local law enforcement to help enforce immigration laws.

The bill that was never messaged by the other body prohibits such a practice, and that means that our State and local law enforcement officials have their hands tied behind their back when they see violations of immigration laws. They have to see a crime actually committed, which means that if the other side has their way, you are going to have victims, and we don’t want that. We want to make sure that the immigration laws are enforced, and we need the help, voluntarily, of State and local law enforcement to be able to do that.

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Vote down this pernicious motion; pass the bill.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore announced that the yeas and nays were ordered. Mr. SENSENBRUNNER, Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The Speaker pro tempore. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 140, not voting 15, as follows:

[Names of Representatives]
H6895

September 21, 2006

CONGRESSIONAL RECORD—HOUSE

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2006

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2382.

The question was taken. The Clerk read the title of the Senate bill.

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

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

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 204, not voting 13, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
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<tr>
<td>215</td>
<td>204</td>
<td>13</td>
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[Roll No. 470]

| ☐ 1602 |
There was no objection.

REMoval OF NAME OF MEMBER AS COPsponsoR OF H.R. 65

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 65.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, the majority leader, Mr. BOEHNER, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague from Maryland for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. No business is scheduled before 6:30 on Monday evening. We will have a number of measures considered under suspension of the rules. We will have a final list of those bills to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider H.R. 6054, the Military Commissions Act; H.R. 5825, the Electronic Surveillance Modernization Act; H.R. 748, the Child Interstate Abortion Notification Act; H.R. 2679, the Public Expression of Religion Act; H.R. 5631, Department of Defense appropriations conference report; the National Institutes of Health reauthorization bill; H.R. 5313, Open Space and Farmland Preservation Act; and H.R. 5092, the Battelle Modernization and Reform Act of 2006.

In addition to that, I would note that a conference report may be brought up at any time, and I expect to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007 conference report.

In addition to these, we do hope to have suspension authority for all of next week to try to accommodate Members who have suspension items on both sides of the aisle. It is expected that there will be many suspensions next week, and I want to prepare Members for that.

Mr. BOEHNER. Likely they will.

Mr. HOYER. I thank the gentleman for that information. To clarify, am I correct that the three bills that you mentioned prior to the mentioning of the last conference report, the NIH authorization bill, the Open Space and Farmland Preservation Act, and the Bureau of Alcohol, Tobacco and Firearm Modernization Reform Act, am I correct they will all be suspension bills?

Mr. BOEHNER. Likely they will.

Mr. HOYER. I thank the gentleman.

On the schedule, last week we talked about the 29th being the target date, and that we were going to get out on the 29th. But that being Friday, we might go over to Saturday if we did not finish on Friday, and we have advised Members to make sure that their Saturday schedule was flexible to accommodate that. But can you clarify that additionally as to what your thoughts are and the possibility of being here on Saturday?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I have told Members and have told you for months that we will be finished on the 29th. We will be finished on the 29th. Now, how long the 29th lasts, I don't know. But I would expect that we would be here on the evening of the 29th and hopefully not much longer than that.

Mr. HOYER. I thank the gentleman for that information.

It reminds me that before we had a court of appeals opinion in Maryland, before I went to the Senate, constitutionally you had a 90-day session, but as you point out, on the last day you weren't quite sure how long that last day would be.

Mr. BOEHNER. If the gentleman would yield, we have both been here long enough to know that that last day before the recess for the election lasts a little longer than an average day.

Mr. HOYER. I hear you. I will advise our Members not to have Friday night plans scheduled, and to have maybe a little later Saturday scheduled, maybe well into the morning.

November is when we will next reconvene, it is my understanding. You previously indicated that after we have our last votes, the House will not be in session again until Monday, November 13. Is that still your intention?

I yield to my friend.

Mr. BOEHNER. It is.

Mr. HOYER. What can you tell us about the rest of the November and December schedule so that Members might be planning for that as well? Are we likely to have votes on Friday, the 17th, for example; and what about the following week and Thanksgiving week?

Mr. BOEHNER. I would expect that we would have votes all that week, including the 17th. But once you get beyond there, it really is unclear as to when we will be back. I have been working with the Senate leadership trying to come to some understanding. We have not come to any agreement or understanding. But I can say this. If we cannot complete our work by Thanksgiving, which in my view is doubtful, that the House would be off the week of Thanksgiving and the following week and would come back the week of December 4 for a week or two to finish our business.

I think that is the most realistic scenario that I see nowhere close. But in terms of trying to be helpful to Members as they plan, that is as helpful as I can be with the knowledge that I have today.

APPOINTMENT OF CONFEREES ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was rejected.

The result of the vote was announced as above recorded.

REMoval of NAME OF MEMBER AS COPsponsoR OF H.R. 65

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 65.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, WAMP, LATHAM, MRS. EMERSON, MESSRS. SWEENEY, KOLBE, ISTOOK, CLENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, MS. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBRY.

Mr. BISHOP of Georgia, BERRY, EDWARDS, and OBER.
Mr. HOYER. I thank the gentleman for that information. We understand it to be tentative, and we understand that the leader cannot anticipate exactly what will and will not pass within certain time frames. We appreciate sort of the ballpark estimate of what would be available for time if we need it.

You have not noted, but there has been a lot of talk about tax-related legislation and speculation as to whether or not we will consider any tax or trade-related legislation for example, the tax extenders, prior to leaving for the elections. It is not on your schedule. Do you have any expectation that we would be considering prior to the election, not after the election but prior to any tax legislation, extenders or otherwise?

Mr. BOEHNER. I do not.

Mr. HOYER. You do not. Thank you.

There is noted on the calendar a bill which is the Child Interstate Abortion Notification Act. Would it be your expectation there would be any other legislation prior to the election dealing with that subject, abortion?

Mr. BOEHNER. I am not sure that there is any definitive answer on that. We do not have this interstate notification bill up next week. There was some consideration to the unborn child pain bill that some Members have been hoping to get up. At this point I do not expect to have it on the floor next week. But at this point that is as much information as I have.

Mr. HOYER. I thank you for that.

You mentioned we are going to have, and you are going to try to pass a rule. I suppose, to give you suspension authority all of next week. Are there any other bills that you are contemplating bringing up under suspension? You noted the three that we discussed. Are there any others?

I yield to my friend.

Mr. BOEHNER. Which of the several hundred bills that Members have asked me to bring to the floor next week would you like to know about?

Mr. HOYER. It is a challenge, isn’t it, Mr. Leader?

Mr. BOEHNER. If the gentleman would yield, we are working with Members on both sides of the aisle who have issues that have been through committee or are almost through committee that they would like to bring to the floor. As typically happens, I and my staff will work closely with you and your staff to schedule those so everyone has fair notice and we have gone through the usual scrubbing process.

Mr. HOYER. I thank the gentleman. I understand there are a lot of bills that are possible, and we appreciate that fact and appreciate his working with us to try to accommodate Members on both sides.

Two last things. Mr. Goodlatte and Mr. Peterson have been very concerned, as you know, about the drought and the stress that many of our farmers in rural areas of our country have been experiencing. There has been a lot of discussion about assistance that we could give. Is there any contemplation that next week we might be able to consider an emergency disaster assistance bill, H.R. 5099, that will help our farmers and ranchers who have been badly hurt by floods and other natural disasters?

Mr. BOEHNER. I am not familiar with the bill, but I will be happy to take a look at it.

Mr. HOYER. I appreciate that.

The bill will not come as a surprise to you, I know. We still have yet to pass one appropriation bill.

Mr. BOEHNER. That’s right. We are still talking about it.

Mr. HOYER. We have passed the others, but it is still out there. It is a large bill that deals with the education of our children, the health of our people, and the ability of our working people to succeed. I know that there is great attention being given to that bill. We are hopeful that it will come to the floor, and we are hopeful when it comes to the floor, there will be an opportunity to vote up or down on increasing the minimum wage over a period of time. Is there any hope or expectation that that bill might come to the floor?

Mr. BOEHNER. The gentleman is aware there are some problems with the bill. We have been having conversations about trying to solve those problems. I don’t expect it to be on the floor next week.

With regard to raising the minimum wage, the House did, in fact, vote on that in late July. We sent it to the Senate where it remains under consideration.

Mr. HOYER. I thank the gentleman. Reclaiming my time, we would hope that you would continue to consider that.

ADJOURNMENT TO MONDAY, SEPTEMBER 25, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

WIRETAPPING SURVEILLANCE PROGRAM

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

Ms. FOXX. Mr. Speaker, I rise today in support of the President’s initiative to surveil known and suspected terrorists who call from outside the United States into their calls within our borders. Simply put, this initiative has saved lives by gathering valuable intelligence our law enforcement has used to prevent and foil terrorist attacks that have and continue to be planned, as I speak.

It simply escapes me how anyone, especially the Democrats, could be against such a vital program in the global war on terror.

Maybe my colleagues are confused about the purpose and parameters of this program. This is not a program to listen in on American citizens’ conversations. To the contrary, it is a narrowly tailored program that is used only in the case of international calls coming into the United States from known or suspected terrorists.

As a Nation, we are facing a new kind of war and an enemy using new and unconventional means of warfare. Many have characterized this war as a clash of civilizations. It is time we face the realization that we can use all of the tools available to win this war, or we can ignore the threat and pay heavy consequences through American lives.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

REPUBLICANS OUT OF TOUCH

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, on November 7 the American people will go to the polls. As the New York Times reported this morning, only one in four Americans approves of the job being done by the Republican-controlled Congress. Seventy-five percent of Americans believe that Republicans have not governed in the best interests of the American people. That is a landslide vote of no confidence to the Republican Party, and I will include for
the RECORD the New York Times story found on page 1.

The American people have given up on the Republican Party because the Republican Party has given in to special interests. The Republican vision for America is to let the privileged few run the country. That's what the record demonstrates. As incredible as it is, the American people today are subsidizing oil companies. Democrats introduced legislation months ago to end the taxpayers' subsidy, but Republican leaders refused even to debate it. At a time when the American people are paying $3 a gallon for gas, they are paying even more to Big Oil in taxpayers' subsidies.

Republicans are out of touch with the American people. Their taxpayer subsidy pipeline flows your money to Big Oil.

So does the doughnut hole that the elderly are beginning to fall through because Republicans care more about drug companies than they do about the American elderly. A report released by the House Ways and Means Committee Democrats concludes that 88 percent of seniors who bought a drug plan through Medicare bought one with a big profit margin on it, but big profits for Republicans. We are talking about 7 million seniors. Within a month, they will have to pay their drug bill even as they continue their insurance premium to big business.

Under Republican rules, special interests got special treatment and the seniors fell in the hole. The Republicans have left no special interest behind. College tuition is up 57 percent at public universities since President Bush took office. What did the Republican-controlled Congress do for the middle class? They passed legislation cutting $12 billion in student aid, and they raised the interest rates on student loans.

Republicans also passed sweetheart rules to indenture the American people to banks after personal bankruptcy. It is worth noting that the number one reason for personal bankruptcy in America today is staggering, unpaid medical expenses. What have the Republicans done? They have allowed the number of uninsured in this country to swell to almost 47 million people. They gave the rich a tax cut, called health savings accounts, out of reach for most Americans. Out of reach, out of touch. The Republican Party caters to the top 1 percent.

The Republicans gave the superrich an average of $100,000 a year in tax breaks while the average American gets 50 bucks. Then the Republicans held hostage the Democrats' proposal to raise the minimum wage for the first time in 9 years. They do not care about workers. And while Republicans talk a lot about how they fall to protect the American people by implementing the recommendations of the bipartisan 9/11 Commission. Republicans spend more effort instilling fear in the American than they do in fighting the war on terror.

The President unilaterally chooses which laws he will enforce and which laws he just suspends. The President considers his own enemy, but his administration used flimsy Canadian intelligence to deport a Canadian citizen to Syria, where he was tortured. The man was innocent. Colin Powell, the former Republican Secretary of State for Mr. Bush, said, "The world is beginning to view the United States as the principal basis of our fight against terrorism."

This President answers to no one because congressional Republicans have surrendered oversight to the White House. So it should come as no surprise that the Republicans decided to erect a security fence throughout America, separating millions of Americans from their constitutional right to vote. They did it yesterday.

Some say Republicans have given Americans a do-nothing Congress. But the record shows that the Republicans have done one thing after another over and over again. They have sold out the American people to the special interests. And payback is coming on the 7th of November. For the first time in a generation, millions of Americans will have an opportunity to change and reach for new directions where we will take care of student loans. We will take care of health care. We will take care of security. We will take care of the things that the American people want. This country wants taken care of, not the 1 percent at the top.


(By Adam Nagourney and Janet Elder)

With barely seven weeks until the midterm elections, Americans have an overwhelmingly negative view of the Republican-controlled Congress, saying that they disapprove of the job it is doing and that its members do not deserve re-election, according to the latest New York Times/CBS News poll.

The disfavor for Congress is as intense as it has been since 1994, when Republicans captured 52 seats to end 40 years of Democratic control of the House and retook the Senate as well. It underlines the challenge the Republican Party faces in trying to hold on to power in the face of a surge in anti-incumbent sentiment.

By broad margins, respondents said that members of Congress were too tied to special interests and that they did not understand the needs and problems of average Americans. Two-thirds said Congress had accomplished less than it typically did in a two-year session; they could not name a single major piece of legislation that cleared this Congress. Just 25 percent said they approved of the way Congress was doing its job.

But for all the clear dissatisfaction with the 109th Congress, 39 percent of respondents said their own representative deserved re-election, compared with 37 percent who said it was time for someone new.

What is more, it seems highly unlikely Democrats will experience a sweep similar to the one in 1994. Most analysts judge only about 40 House seats to be in play at the moment, compared with over 100 seats in play at this point 12 years ago, in large part because redistricting has created more safe seats for both parties.

The poll also found that President Bush has improved his party's standing through his intense campaign of speeches and events surrounding the fifth anniversary of the 9/11 attacks. The speeches were at the heart of a Republican strategy to thrust national security to the forefront in the fall elections.

Mr. Bush's job approval rating was 37 percent in the poll, virtually unchanged from the last Times/CBS News poll, in August. On the question that has been the central theme of the Bush campaign, 54 percent said they approved of the way he was managing the effort to combat terrorists, again unchanged from last month, though up from this spring.

Republicans continued to hold a slight edge over Democrats on which party was better at dealing with terrorism, though that edge did not grow since last month despite Mr. Bush's flurry of speeches on national security, including one from the Oval Office on the night of Sept. 11.

But the Times/CBS News poll found a slight increase in the percentage of Americans who said they approved of the way Mr. Bush had handled his job, to 37 percent from 30 percent. The results also suggest that after bottoming out this spring, Mr. Bush's approval ratings on the economy and job creation have edged up.

The number of people who called terrorism the most important issue facing the country doubled to 14 percent, from 7 percent in July; 22 percent named the war in Iraq as their top concern, little changed from July. Across the board, widespread disenchanted with Congress, highlighting the opportunity Democrats see to make the argument for a change in leadership and to make the election a national referendum on the performance of a Republican-controlled Congress and Mr. Bush's tenure.

In one striking finding, 77 percent of respondents—including 65 percent of Republicans—said most members of Congress had not done a good enough job to deserve re-election, and that it was time to give new people a chance. That is the highest number of voters saying it is "time for new people" since the fall of 1994.

"You get some people in there, and they're in there forever," said Jan Weaver, of Aberdeen, S.D., who described herself as a Republican voter in a Times/CBS News interview. "They're so out of touch with reality."

In the poll, 50 percent said they would support a Democrat in the fall Congressional elections, compared with 38 percent who said they would support a Republican. But the poll found that Democrats continued to struggle to offer a strong case for turning government control over to them; only 38 percent said the Democrats had a clear plan for how they would run the country, compared with 45 percent who said the Republicans had offered a clear plan.

Overall discontent with Congress or Washington does not necessarily signify how people will vote when they see the familiar name of their member of Congress on the ballot, however.

Democrats face substantial institutional obstacles in trying to repeat what Republicans accomplished in 1994, including a Republican financial advantage and the fact that fewer seats are at stake; still, 61 percent of respondents said they disapproved of the way Congress was handling its job. Most analysts judge only about 40 House seats to be in play at the moment, compared with over 100 seats in play at this point 12 years ago, in large part because redistricting has created more safe seats for both parties.

The New York Times/CBS News poll began last Friday, four days before the commemorating of the fifth anniversary of the 9/11 attacks, and two weeks after the White House
began its offensive on security issues. A USA Today-Gallup Poll published Tuesday reported that Mr. Bush’s job approval rating had jumped to 44 percent from 39 percent. The same poll, conducted the day before, showed 71 percent of respondents and had a margin of sampling error of plus or minus three percentage points.

As part of the Republican effort to gain advantage on the war in Iraq, Republicans have accused Democrats who want to set a timetable for leaving Iraq of wanting to “cut and run.” But 52 percent of respondents said they would not think the United States had lost the war if it withdrew its troops from Iraq today.

The poll also found indications that voters were unusually intrigued by this midterm election: 43 percent said they were more enthusiastic than usual about voting. However, with turnout promising to be a critical factor in many of the closer Senate and House races, there was no sign that either party had an edge in terms of voter enthusiasm.

Evidently, the health of the country in particular—and Washington in general—was abundant: 71 percent said they did not trust the government to do what is right.

If it is love, then the people that influence them—the lobbyists—would maybe not be so influential,” said Norma Scarton, a Republican from Thedford, Neb., in a follow-up interview after the poll. “They don’t have our interest at heart because they’re influenced by these lobbyists. If they were new, maybe they would try to please their constituents better.”

Lois Thurber, a Republican from Axtell, Neb., said in a follow-up interview: “There’s so much bickering, so much disagreement—they just can’t get together on certain issues.”

They’re kind of more worried about themselves than they are about the country.”

Incumbents and challengers nationwide are trying to accommodate this sour mood. Democrats are presenting themselves as a fresh face for a fresh time for a future. Republicans, on the other hand, have accused Democrats of trying to set a timetable for leaving Iraq. Democratic Sen. Robert Torricelli from Ventura, Calif., said: “We’re in a stalemate right now. They’re not getting hardly anything done.” He added, “It’s time to elect a whole new bunch so they can do something.”

APPRECIATION FOR U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to express appreciation for the more than 12,000 U.S. Border Patrol agents who perform an invaluable service to our Nation.

Though support for the U.S. Border Patrol and other law enforcement officers often goes unspoken, the American people and Members of Congress owe our sincere appreciation for these courageous men and women for their dedication to keeping our Nation safe by protecting our borders.

While protecting the United States from an influx of illegal immigration, drugs, counterfeit goods, and terrorists, U.S. Border Patrol agents face high-risk situations and dangerous environments while working on our borders. Often working alone in some of the most remote and dangerous areas of the country, these agents routinely encounter heavily armed human and drug traffickers.

Despite these dangerous conditions, the men and women of the U.S. Border Patrol work tirelessly to protect our Nation’s borders, and they deserve the utmost praise for their dedication and bravery.

Unfortunately, Mr. Speaker, two U.S. Border Patrol agents who deserve our appreciation have instead become victims of a grave injustice.

Agents Ramos and Compean were found guilty in a Federal court for wounding a drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents now face up to 20 years in Federal prison.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. He had 15 years of experience as a Border Patrol agent.

These agents never should have been prosecuted for their actions last year. By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney’s Office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents.

Mr. Speaker, this year, May 5, 2006, marks International Peace Day. September 21, 2006, the world celebrates International Peace Day.

Today-Gallup Poll published Tuesday recognized an American citizen. He is a criminal.

Mr. Speaker, I have spoken to numerous people inside Texas and outside of Texas regarding this outrage, including the attorney for one of these agents, I have written to the President of the United States, and I have written to the Federal Bureau of Investigation to please look into this matter. I have written two letters to Attorney General Gonzales, asking him to reopen this case for a fuller investigation before these men are sentenced in October of this year. I hope that the American people will agree that this prosecution is an outrageous injustice and that the situation must be investigated.

With that, Mr. Speaker, I will close by asking my colleagues on both sides of the political aisle to please join us in this and find out why these two agents were prosecuted and will be sent to a Federal prison on October 19.

Mr. Speaker, I ask God to please bless our men and women in uniform and their families.

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. Mr. Speaker, today, International Peace Day, is the appropriate time for a new direction for our foreign policy.

The President’s cowboy swagger and use of “You’re either with us or you’re against us” gets us absolutely nowhere.

Mr. Speaker, today, International Peace Day, is the appropriate time for a new direction for our foreign policy and for our country. That is why on Tuesday of next week I will be hosting a third congressional forum on the occupation of Iraq. I am doing this because until the Congress begins real oversight into the tragedies of our occupation in Iraq, forums like these serve as one of the only ways, the only ways to examine our actions.

I am organizing this forum on the cost of our actions in Iraq because President Bush’s drug war policy has been an absolute failure and our Nation will suffer. Our Nation will suffer its effects for years to come. Besides making us
less safe, it has ruined our Nation’s credibility in the eyes of the world, and it has made us worse off economically and militarily as well.

On Tuesday we will hear from experts, including Lieutenant General William Garrison, former CIA employee and Georgetown professor Dr. Paul Pillar. Additional testimony will come from experts from Save the Children, the National Priorities Project, and a representative from the Iraq and Afghanistan Veterans of America.

The Speaker, Mr. Speaker, has many unseen costs: the costs to our military and diplomatic standing in the region; the cost to the Iraqi civilians, especially the most innocent victims, the children; the cost to America’s working families who see funds being diverted away from important domestic programs to fund the ongoing occupation; and the cost to our brave men and women in service to our country. Almost 2,700 troops have given their lives for this cause.

And the costs to our veterans, which may be the most heartbreaking of all: the underfunding of veterans clinics, the lack of support for those dealing with posttraumatic stress, the families left behind with little benefits or support from the Department of Defense. Veterans have sacrificed for our country. They deserve to receive our Nation’s support. We have a responsibility, Mr. Speaker, a responsibility to take care of those who sacrifice and defend us during times of war.

Mr. Speaker, I voted against this war. Some of my colleagues voted for it. We disagreed then, but I think we can all agree now our troops need our support, and the best way to support the troops is to bring them home.

Earlier this year I introduced H.R. 5875, a bill to repeal the President’s Iraq war powers, because Congress needs to stand up. Congress needs to take responsibility for its constitutional responsibilities. And Congress needs to insist that the President, the Commander in Chief, stop this misguided occupation of Iraq.

I urge my colleagues to join me at the forum on Tuesday from 2 to 4 p.m., and I urge you to cosponsor the Iraq War Powers Repeal Act. I also urge you to stand up for our troops by standing up for peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COMMEMORATING THE 1-YEAR ANNIVERSARY OF HURRICANE RITA

There was no objection. Mr. BOUSTANY. Mr. Speaker, this week southwest Louisiana will pause to commemorate the 1-year anniversary of Hurricane Rita, the third most expensive natural disaster in U.S. history.

Rita was as equally devastating as Hurricane Katrina, causing widespread destruction to our communities and our Nation’s critical energy infrastructure. Since then there has been a palpable view among many of my constituents that their story has been forgotten and their needs unknown.

Throughout the past year, I have worked hard to ensure that Rita does not become “the forgotten storm” among Members of this body, and to date Congress has approved unprecedented Federal funding for our recovery. And for this the people of southwest Louisiana are grateful.

But not until you visit the coastal parishes of Louisiana, of Vermilion, Cameron, and Calcasieu Parish, and Cameron Parish, can you understand the scope and magnitude of the destruction of Rita and the long road we have to protect our coast and our energy infrastructure from future disasters.

In the year since Rita, I have brought 19 House Members, including Speaker HASTERT, to southwest Louisiana to see these towns and communities and to meet the great residents of my district, to witness the destruction and the devastation and the loss of life as we saw in New Orleans.

All of my colleagues who have joined me in visiting the communities hit hardest by Rita have come away with an increased awareness of the importance of southwest Louisiana to the energy infrastructure of the United States, as well as the need to protect our coastal wetlands and provide a continuous stream of funding to protect our communities.

The eye of Hurricane Rita made landfall in Cameron Parish, Louisiana, bringing with it a storm surge over 15 feet. In the coastal parishes of Vermilion, Cameron, and Calcasieu, the destruction was indescribable, but no lives were lost. Local officials in southwest Louisiana were commended for managing an orderly evacuation of residents and offering a detailed plan for recovery. In short, the people of southwest Louisiana did, and are doing, everything right.

Amidst the ruin, the one constant was the spirit and determination of the people of southwest Louisiana. The common question from local residents was not, “where do we go from here?” but rather, “When can we rebuild our homes, our businesses, and our way of life?”

More than any other storm, Rita exposed the vulnerability of our coastal wetlands and the role they play in supporting the energy infrastructure of the United States. These wetlands serve as a critical buffer against ocean storms as well as protect industries and cities further inland. Before Rita, the projected land loss in Louisiana was approximately 24 square miles per year, the equivalent of two football fields an hour. After Rita, our coast is even more vulnerable, and some worry a modest category one hurricane could deal an even more destructive blow to our coastal parishes and the energy infrastructure that they support.

During Rita, oil platforms and drilling rigs in the storm’s path were forced to shut down and evacuate their workers. This led to the halting of 98 percent of oil and natural gas production in the Gulf of Mexico.

And when the Nation’s 12th largest port in Lake Charles was forced to shut down, energy production and distribution were brought a virtual standstill.

Protecting and strengthening our coasts is not only a Louisiana problem, but rather, one that affects American families and businesses that rely on energy we produce in Louisiana and transport throughout this country.

Thousands of oil and gas facilities are concentrated throughout the gulf coast and in southwest Louisiana, meaning that any future storm could have a crippling effect on our Nation’s domestic energy production. Over one-third of the U.S. Strategic Petroleum Reserve is stockpiled in Cameron Parish in my district, and soon over 25 percent of our Nation’s natural gas supply will run through that parish as well.

Mr. Speaker, often in the past year I’ve spoken here, in the body who ask, how can I help? My answer to them now is very clear. Help us to protect ourselves. This year the House and Senate have already responded to this request by approving legislation that would give Louisiana its fair share of oil and gas revenues produced off our shores.

This solution will provide our State with the necessary funding to protect our coastal wetlands and, in turn, the critical energy infrastructure that is so important to our U.S. economy.

The Louisiana congressional delegation is working to ensure a final compromise is presented to President Bush before the end of the this year. Now, it is up to the leadership in this body and in the Senate to bring the bill to conference and to get a compromise to President Bush. The sooner Congress acts, the sooner southwest Louisiana can protect itself from the devastation we saw from Hurricane Rita 1 year ago.

Mr. Speaker, in closing, the people of southwest Louisiana never asked for a Federal handout, but rather a helping hand. For many Americans last year, Hurricane Katrina was not something that was remembered by the images of chaos and confusion. For those of us who were there to witness the devastation in southwest Louisiana, the recovery of the people whose lives it forever changed, we come away with a much different story, one that gives us hope, one that shows the resiliency of the people of southwest Louisiana.

H6900  CONGRESSIONAL RECORD—HOUSE  September 21, 2006
Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. SCHIFF. Mr. Speaker, today marks the 15th anniversary of the reestablishment of the independence of the Republic of Armenia. On behalf of the tens of thousands of Armenians in my district, the largest Armenian community outside of Armenia, I congratulate the people of Armenia on a decade and a half of independence.

Building upon the foundations of the first Armenian Republic of 1918, today’s Armenia has, in the years since it declared its independence from the disintegrating Soviet Union in 1991, strengthened democracy and the rule of law, promoted free-market reforms, and sought a just and lasting peace in a troubled region.

With America’s help, Armenia is overcoming the brutal legacy of Ottoman persecution, Soviet oppression, Azerbaijani aggression against Karabagh, and the ongoing dual blockades by Turkey and its allies in Baku.

Recognizing this progress, John Evans, the former U.S. Ambassador, said in 2004, that Armenia now has well-founded hopes for a prosperous and democratic future.

I am proud of the role that the United States Congress has played in strengthening the enduring bond between the American and Armenian peoples. This special relationship is rooted in our shared values and experiences over the course of more than a century. Among these shared values are a commitment to democracy, tolerance, religious freedom, human rights and the peaceful resolution of conflicts.

In the 1890s, Clara Barton, the founder of the American Red Cross, traveled to Armenia to help the Armenian victims of massacres being perpetrated by the Ottoman Turkish Government.

In 1915, as the Ottoman Empire began its campaign of genocide against the Armenian people, the U.S. Ambassador to Constantinople, Henry Morgenthau, documented and, at the risk of his own career, protested the ongoing massacres, death marches and other barbarities.

Later, President Woodrow Wilson led the formation of the Near East Relief Foundation to help the survivors of the Armenian genocide, and spearheaded the international efforts to secure justice for the Armenian people and to support the first Republic of Armenia.

Later, after the short-lived Republic of Armenia was annexed by the Soviet Union, Armenians in America and around the world were key allies in our decades-long struggle against the Soviet threat to freedom. This cooperation contributed to bringing an end to the Soviet Union, to the rebirth of an independent Armenia, and to the democracy movement and self-determination of Karabagh.

Armenia has made tremendous progress in building up a free-market-oriented economy over the past decade and a half. According to the Heritage Foundation/Wall Street Journal Index of Economic Freedom, Armenia is consistently ranked as a free economy, and is currently the 27th freest in the index’s 2006 rankings.

Recognizing this, the United States Congress has named Armenia as one of only a handful of countries to have qualified for assistance through the Millennium Challenge Account, a program which targets development assistance to countries that rule justly, invest in their people and encourage economic freedom.

Armenia has also sought to integrate itself in the world economy as a member of the World Trade Organization, and I was pleased to join many of my colleagues in working to extend the Permanent Normal Trade Relations status to Armenia.

Armenia’s economic accomplishments are more extraordinary when you factor in the crippling and illegal economic blockades imposed by Turkey and Azerbaijan. The blockades cost Armenia an estimated $720 million a year and have forced more than 800,000 Armenians, close to a quarter of Armenia’s population, to leave their homeland and over the border.

The biggest challenge Armenia faces is the hostility of its neighbors. While the primary threat from Turkey is economic and diplomatic, Azerbaijan has been far more bellicose. Both Armenia and Nagorno Karabagh have demonstrated their commitment to a peaceful resolution of the Karabagh conflict through the Organization for Security and Cooperation in Europe. In contrast, Azerbaijan has taken reckless steps that have contributed to instability in a region of strategic and economic importance.

Armenia’s Soviet past and the economic and security challenges it faces have impeded the country’s progress towards full democracy and the rule of law. Those of us who care deeply about Armenia and the Armenian people must continue to help Armenia to perfect its institutions and expand the rule of law.

Mr. Speaker, nobody knows the need for peaceful engagement with Armenia more than the Armenian-American community, which has strong ties to its ancestral homeland. Armenian Americans have made contributions to every aspect of American life. From investor Kirk Kerkorian to Ray Damadian, inventor of Magnetic Resonance Imaging, to the multiplatinum rock band System of a Down, Armenian-Americans have enriched our Nation. They are also committed to contributing to an ever brighter future for Armenia. I have been privileged to work with many of the community on ending this government’s tragic failure to recognize the Armenian genocide, on ending the Turkish and Azerbaijani economic blockade, on securing aid to Armenia, and securing permanent normal trade relations with Armenia.

Armenia has come a long way in 15 short years, and I look forward to much more progress in the years ahead.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, it is said that justice is the one thing that you should always find. And hopefully we will find justice soon. Just a few days ago in South Carolina, on an afternoon like every afternoon throughout America, school buses take children home, and this particular school bus dropped off a 14-year-old girl named Elizabeth near her home so she could walk through this rural place where she lived.

Soon after getting off the school bus, though, she came in contact with a local villain. His name is Vincent Filyaw, 37 years old. He started talking to Elizabeth. He kidnapped her. He took her to the woods. He was posing as a police officer. And after he finally walked her around so she could be disoriented about where she was, he took her to a hole in the ground, 15 feet deep, where he kept her for 10 days.

In this hole in the ground, the cover over it was a piece of plywood. In this hole he had a camp stove, he had another hole dug for a toilet, he had a shelf and some dirty cooking utensils. It looked like an underground house. I have seen photographs of it.

This was Elizabeth Filyaw, 37 years old in this hole for 10 days. He had boyo-trapped this hole in the ground so that when he was gone, and if she tried to leave, it would blow up and kill her.

When he was there, he abused her. He slashed her as much as he wished. He had weapons. He had homemade grenades to protect himself from the police if they ever found him. It is hard
to imagine what happened those 10 dark days for this 14-year-old girl.

One night when this villain was asleep, Elizabeth was able to take his cell phone away from him and text message on the cell phone to her mother a note: Mom, it is me. And with those simple words, the police were able to track down, through cell towers, the near location of where this little girl was.

The deputies came looking for her. The villain had already left. And as these deputy sheriffs approached Elizabeth, she saw them, and, of course, she immediately started to cry because she was safe in the arms of the law.

After deputy sheriffs rescued her, they were still looking for Filyaw. He was not out there. He wasn’t in this hole because he was out trying to carjack a woman at 2 o’clock in the morning.

The sheriff’s department had been looking for him for 10 months because he was wanted for, yes, kidnapping and assaulting a 12-year-old. And when they went to his house months before to try to find him, he had already dug a tunnel, like Mom, that he is, to escape. And he had escaped the police and was on the lam for 10 months. By the way, he was aided in this escape by his mother and his mother-in-law, who, by the way, are in jail where they ought to be.

He was finally caught this week, and he went to court to see the judge, to have a bond hearing. And this little girl, this 14-year-old, decided to go to court to try to speak out against the villain of the underworld here in this bond hearing. And his bond, thank goodness, the judge did the right thing and denied this bond. Now he awaits trial for committing a crime against the greatest resource in our country, children, little girls.

Mr. Speaker, like most Members of this House, I am a parent. I am a father of four kids; three of them are girls. I have five grandkids. I have a granddaughter named Elizabeth. It is hard to imagine what a little grandchild is suffering by our own child. And here we have this little girl suffering pain because of this criminal that lives among us.

While it is true we should be concerned about the terrorists overseas, we need to be concerned about the street terrorists that live among us. As a former judge, I hope that justice prevails in this case.

Mr. Speaker, do not normally quote Toby Keith or Willie Nelson, but I think they had the right thing to say in their song, when they said, Back in my day a man had to answer for the wicked that he had done. You have to find a tall oak tree, round up all of the bad things, whip them high in the street for the people to see.

We got too many gangsters doing dirty deeds, we have got too much corruption, too much crime in the streets. It is time the long arm of the law put a few more in the ground. Send them all to their maker, and He will settle them down, because justice is the one thing you should always find.

Mr. Speaker, like a rat living underground, the fact that this criminal likes living underground, hopefully the good people of South Carolina will do the right thing and justice will prevail in this particular case.

And that’s just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTEN) is recognized for 5 minutes.

(Mr. SKELTEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1700

GENOCIDE IN DARFUR

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. McGOVERN. Mr. Speaker, millions of Americans and millions of people around the world are outraged at the genocide in Darfur. Hundreds of thousands of people in Darfur have been murdered by the Sudanese military and government-supported militias.

Millions have been forced from their homes, their villages destroyed. Men, women and children left homeless have died from hunger and disease as they are forced to wander, hoping to find someplace that will keep them safe.

Women and girls, many of them children, have been raped. International workers providing humanitarian relief have been abused, and some have even been murdered. The world calls it genocide, the United States of America calls it genocide, and still it is allowed to continue.

Mr. Speaker, we are once again at yet another critical crossroads in how we deal with ending the genocide in Darfur.

On Tuesday, in his speech before the General Assembly of the United Nations, President Bush appointed Andrew Natsios as his Special Envoy for Sudan, providing the U.S. once more with a high-ranking official charged solely to focus on the crisis in Darfur. President Bush also called on the U.N. to act on Security Council Resolution 1706, authorizing a U.N. peacekeeping force in Darfur. Yesterday the African Union Peace and Security Council voted to extend the mandate of the AU peacekeeping force into Darfur, which had been set to expire at the end of next week.

I wish I could celebrate, Mr. Speaker, but we can’t. The situation in Darfur grows more desperate every day. Fighting has intensified. The Sudanese Government has renewed aerial bombing. Many humanitarian aid groups have had to pull out, leaving hundreds of thousands of people without food and water.

Appointing a U.N. envoy is an important step, but only the deployment of a U.N. peacekeeping force will bring some measure of security to the suffering people of Sudan. We cannot afford to let the AU peacekeeping force to remain underfunded, underequipped and undertrained. Sudanese forces only have 7,000 boots in the ground, and the region of Darfur is about the size of France. We need a U.N. force with a strong, clear mandate to protect the defenseless people of Darfur on the ground as soon as possible.

Security Council Resolution 1706 does not say that we have to wait for Khartoum’s permission to deploy it. We need an enforced no-fly zone over Darfur, most likely coordinated by NATO, so we can put a stop to Khartoum’s aerial bombing and its air support of Janjaweed militia attacks against villages and refugee camps.

We need universities and State and local governments to divest their public funds from company stocks that do business with the Sudanese Government. The Senate should not strip this provision from the Darfur Peace and Accountability Act and I encourage all of my colleagues in the House to cosponsor the bill in support of divestment that Congressman BARBARA LEE of California introduced.

Mr. Speaker, the House has acted and spoken in a unified bipartisan voice to end the violence and genocide in Darfur.

I would like to thank my House colleagues Representatives DONALD PAYNE, FRANK WOLF, MIKE CAPUANO, and TOM TANCREDO and so many others who have been leaders in calling attention to and taking action on the crisis in Darfur.

But most of all I want to thank the American people, who, in their churches, synagogues, temples and mosques, on college campuses and the local community centers, have organized and mobilized to make sure that the President and this Congress get the message that we have not done enough long as the killing continues.

Mr. Speaker, we must do more. We must end the genocide. We must protect the people of Darfur, and we must do it today.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SKYLINE MEMBERSHIP CORPORATION

Ms. FOXX. Mr. Speaker, I ask permission to address the House for 5 minutes.
The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, it is my honor today to rise and commend the Skyline Membership Corporation for its enormous contributions not only to the Fifth District of North Carolina, but also to our Nation and the global war on terror. It is my pleasure to congratulate them upon receiving the 2006 Employer Support of the Guard and Reserve’s Secretary of Defense Employer Support Freedom Award. It is of great note that they are only one of 15 recipients this year.

This award publicly recognizes employers for exceptional support for the National Guard and reservists above Federal law requirements. This award, the ESGR, as it is commonly known, is the highest in a series of Department of Defense awards that honors employers who provide excellent support for their excellent Guard and Reserve employees.

The Skyline Membership Corporation is a local member-owned cooperative established in 1951 to help bring telephone service to rural communities, and it has paid well into the 21st century, it has grown into the second largest of the nine telephone cooperatives in North Carolina. Today it serves over 360,000 access lines, covering an 840-square-mile area in northeast North Carolina and Tennessee.

Skyline Membership Corporation is governed by a nine-member board of directors and operates with a staff of 125 employees. Today it has expanded to provide a number of telecommunications services and has promoted job growth and economic development. It is a leading example of a prosperous business that also played an integral role in community development.

The ESGR is a Department of Defense agency that was established in 1972 by the Secretary of Defense William Perry with the sole purpose to gain and maintain active support for the National Guard and Reserve from all private and public employers.

I am honored and thrilled that such a fantastic business in North Carolina has been one of the 15 chosen out of thousands of companies across the country. It goes to show that in the Fifth District of North Carolina, we have on our hands the hardest-working people who are dedicated to our country and have a steadfast resolution to support our Nation. They are committed to shield it from terrorism and ensure our Nation is protected by their brave employees who choose to answer the call of our Nation.

This is a true honor for Skyline Membership Corporation. It is being recognized alongside major businesses such as DuPont, Starbucks, MGM Mirage and various large public agencies for its contributions to the Guard and Reserve units. This award exemplifies the commitment and leadership of the corporation and their determination to encourage their employees to answer the call of their Nation in a time of need.

While fighting the global war on terror, companies such as Skyline are inextricably linked to our Nation’s security by sharing their most valuable asset, their employees. One example of its steadfast dedication, not only to the global war on terror, is that they ensure their employees have the best possible accommodations overseas.

One example is the recent action the Skyline Membership Corporation took to support their employee’s unit overseas in Iraq. Upon learning that an employee’s unit was in dire need of lightweight cabin cots for shelter from insects, sand, heat, and other elements, the Skyline Corporation sent 44 cots in a matter of days to that employee’s units.

Skyline has gone above and beyond the call. That is why they have been chosen for such a prestigious award. It has supported its employees who are serving their country by answering the call to go to such places as Iraq and Afghanistan. Skyline could have provided everything from continued benefits during deployment to care packages. Not only are the folks at Skyline making a difference in their employees’ lives, but they are supporting our military and Nation’s security.

Skyline has been such a successful business because of the strong leadership it has shown. It recognizes that when hiring National Guard and Reserve members, it can expect superior employees whose military training instills them with virtues such as efficiency, dedication, loyalty and teamwork. These employees share dedication to excellence, which has made Skyline a successful business, and, in turn, Skyline has returned the favor by encouraging and supporting its employees in every way possible to serve our country.

Skyline recognizes the importance of national security and serving our Nation. Its actions are truly deserving of the honor of such a prestigious award.

I wish Skyline all the best, and I have a message for them. Keep up the good work. You have made North Carolina and our Nation proud.

I am pleased to be able to commend Skyline Membership Corporation for its tremendous contributions to our Nation and to its employees. In a post 9/11 world their work, support and leadership exemplifies the best there is in North Carolina and highlights the exemplary work of the people of Western NC. Again, I commend The Skyline Corporation for its service, support and dedication.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BAD FAITH ACTIONS AND POLICIES OF STATE FARM INSURANCE IN MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent to speak out of order and to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Speaker, on Wednesday of this week, Mr. Edward Rust, Jr., president of State Farm Insurance Company, was supposed to be in Washington. I had hoped that I would have the opportunity to speak to him on behalf of the people of south Mississippi.

State Farm is one of three firms that for thousands of south Mississippians has denied their claims on wind policy, some of them for over $1 million; have said that they are not going to give a dime as a result of what happened at Hurricane Katrina.

Had Mr. Rust been there, I also would have had the opportunity to tell him that last Saturday I met with two whistleblowers, two sisters, Cori and Carey Rigsby, who walked away from their homes in south Mississippi after Hurricane Katrina.

Mr. Rust was paid well for a year, investigating claims for State Farm, because they felt that company was engaging the people who paid for their policies, that their company was engaging in fraudulent behavior by denying the claims. Instead of being rewarded by that subcontractor to State Farm for telling the truth, they are being sued by that subcontractor for telling the truth.

So, Mr. Rust, if you had been there, I would have presented you with this letter, detailing what I think you have done to the taxpayers and to the people of south Mississippi. But since you were not there, I am going to put it in the CONGRESSIONAL RECORD and mail you a copy.

But there are two things I want you to know. You see, when you didn’t pay people’s wind claims in south Mississippi, you hurt them individually. You hurt average Joes like Joe Dee Benvenuti, who, interesting enough, is also an insurance salesman; or guys like Mike Chapoton, who is a banker; or Dr. Leroy McFarland, who was my family’s physician when I was a kid, and now in his 70s has been denied over $1 million claim.

But you also denied guys like Senator Trent Lott and U.S. Judge Lou Guirola. It is one thing to tell a banker or a former corrugated box salesman that you can’t read a policy, but I think it is something else to tell a Federal judge that he couldn’t read his policy, to tell a U.S. Senator with a law degree from the University of Mississippi apparently he can’t read his policy.

But they are doing that to the average Joes. I am sorry, if they are doing that to the bigshots like U.S. Senators and Federal judges, then the question is, what are they doing to grandmothers?
Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD a copy of a letter from me to Mr. Edward B. Rust, Jr., CEO, State Farm Insurance Companies, dated September 20, 2006.


Mr. Edward B. Rust, Jr., CEO, State Farm Insurance Companies, Bloomington, IL.

Dear Mr. Rust: I am writing to make you fully aware of the consequences of the bad faith actions and policies that State Farm has carried out against the people of South Mississippi since Hurricane Katrina.

First, allow me a few basic facts about Katrina’s damage in Mississippi. There is no property in Mississippi that was not affected by Katrina’s storm surge. The coastline were damaged or destroyed by some combination of hurricane winds and storm surge. State Farm’s assertion that hundreds of coastal homes were without sustaining any wind damage has been easily and overwhelmingly refuted by every meteorologist, engineer, eyewitness, or investigator who is not on the payroll of an insurance company or an insurance company’s contractor. Every community on the Mississippi Coast suffered four or five hours of high hurricane wind and powerful gusts before the surge. High winds continued to cause additional damage during the surge, and the wind and water in combination caused worst destruction.

State Farm recently reported that it has handled more than 84,700 property claims in Mississippi, yet engineer ing reports are needed for only 1,100 of the claims. Since engineering reports are needed for the purpose of determining whether damage was caused by wind or by water, State Farm must have acknowledged that other 83,600 properties were damaged by winds alone. In other words, State Farm has paid claims for wind damage far inland where you could not blame flooding, while denying wind claims on the coast where the winds were much stronger, but where you could blame flooding. Many homes along the Mississippi coastline had flood insurance, but not for the full value of their properties. Hundreds of homeowners who bought flood insurance policy that was available to them—homeowners, windstorm, and flood—are nevertheless left with huge uncovered losses because State Farm simply refused to provide that only the federal flood insurance program, and federal taxpayers, should pay on homes that were destroyed by the combination of wind and water.

State Farm’s twisted legal argument that the anti-concurrent causation language in your policies allows you to deny wind claims is wrong. The Federal Reserve has assumed responsibility for insuring some risks that the insurance industry refuses to cover. The McCarran Ferguson Act permits Federal Reserve to recommend that the Katrina Fraud Task Force investigate whether insurance companies defrauded federal taxpayers by assigning damages to the federal flood program that should have paid by the insurers’ wind policies.

In late June, the House approved my amendment to the Flood Insurance Reform and Modernization Act to instruct the Insurance General of the Homeland Security to investigate the Katrina claims practices of the insurance companies that adjusted flood claims. Sen. Trent Lott added a similar provision to the Homeland Security Appropriations Act.

Even before Katrina, I was an original co-sponsor of the McCarran Ferguson, the federal government has assumed responsibility for insuring some risks that the insurance industry refuses to cover. Medicare and Flood Insurance are obvious examples. The federal government also provides disaster assistance and loans to individuals, businesses, and communities to help them get back on their feet. It does not make sense for the federal government to fill in the gaps left behind by the insurance industry and yet have very little role in regulating and investigating insurance companies and their practices.

In the next session of Congress, I plan to pursue a vote on legislation that would give the federal government responsibility for regulating insurance. It is ridiculous for the industry to claim that insurance is not a federal issue when the state resources were inadequate to process claims, insurers conspired together to manipulate the claims process. It also is clear that state resources were inadequate to protect consumers from underhanded insurance practices on such a large scale.

In the decades since enactment of the McCarran Ferguson Act, the federal government has assumed responsibility for insuring some risks that the industry refused to cover. Medicare and Flood Insurance are obvious examples. The federal government also provides disaster assistance and loans to individuals, businesses, and communities to help them get back on their feet. It does not make sense for the federal government to fill in the gaps left behind by the insurance industry and yet have very little role in regulating and investigating insurance companies and their practices.

Before Katrina, I was an original co-sponsor of the McCarran Ferguson Act. Since enactment of the McCarran Ferguson Act, the federal government has assumed responsibility for insuring some risks that the industry refuses to cover. Medicare and Flood Insurance are obvious examples. The federal government also provides disaster assistance and loans to individuals, businesses, and communities to help them get back on their feet. It does not make sense for the federal government to fill in the gaps left behind by the insurance industry and yet have very little role in regulating and investigating insurance companies and their practices.

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(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE ISSUES AFFECTING AMERICA

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I thank you for the opportunity, and I would like to thank Leader PELOSI and STENY HOYER, JIM CLITURN and also JOHN LARSON, our Vice Chair, the leaders of our caucus, for the opportunity to come down here and speak to other Members of this body about the issues of the day.

Day in and day out, as we continue to have debates here on the floor of the House of Representatives, one of the main topics here and back in our districts is the issue of the war in Iraq, the issue of the standing, on the statute of the United States of America and the opinion of those around the world of us as the one needing for us to build coalitions across the globe in order to fight this global war on terror.

We have major differences. We have had major differences, and we continue to have major differences in this body. In the early days under Article I, section 1 of the United States Constitution, as to how we should administer and execute this war on terror.

The Bush administration has tried to implement their philosophy with the war in Iraq, and I must say, Mr. Speaker, that their actions have created more terrorists in the world, it has made the bull’s eye on the United States bigger, and it has completely almost eliminated the goodwill that was given to this country from around the globe after 9/11.

Many Members of this Chamber can remember the editorials and foreign newspapers where some were saying that today we are all Americans after 9/11. Today we are all Americans. That political capital that we had, that goodwill that we had, was squandered by a very divisive policy, a policy that was based on misinformation, was misleading.

As the days and the weeks and the months go by, we continue to see time and time again how this administration misled the Congress and misled the American people. And if we had a huge intelligence failure on 9/11, it only makes sense to be very, very careful before we create the intelligence that is then being presented to you for the war in Iraq.

This issue is the defining issue. The President can continue to try, Mr. Speaker, to somehow change the topic, somehow to change the debate to something that is more favorable. But when you look at what is happening with our foreign policy and with our domestic policy, you will see that the American people are moving in a direction away from the President of the United States. They no longer, as Mort Zuckerman said, they no longer give the President the benefit of the doubt. And when the President loses the benefit of the doubt, the President loses this kind of authority and persuasive nature, basic nature of the office.

So let’s talk about what is going on here. This war in Iraq has made us less safe. It has given us more terrorists in the world. It has increased the polarization. And if you look just on the front page where we have the President being called a devil, which I don’t necessarily agree with, being called a devil at the United Nations, now, we can all at least say that that kind of rhetoric, although it is not helpful, signals the kind of discontent that there is out there in the world for the United States of America.

When you are fighting a global war on terror, Mr. Speaker, you need people who are going to help you. You need assistance from all quarters, whether you are a Democrat or whether you are a Republican, whether you are a Member of the United States Congress or you are a member of a parliament in Europe or South America. You need help. We can’t fight this global war on terror by ourselves, so we need to engage the international community. We need to engage the international community.

We need to share with the American people some of what is going on. We are going to start with what is going on with the money.

We can see here what the war in Iraq is currently costing the American taxpayers, $8.4 billion per month. It is costing the American people, this war on terror, $1.9 billion per week, $275 million per day, $11.5 million per hour. This is to fund what is going on in Iraq.

And this has basically put us in the middle of a civil war. And the percent of the fighters in Iraq are al Qaeda types. The rest are Sunni and Shia, and they are fighting with each other, with the American soldiers right in the middle of the mix.

We found out 2 weeks ago that Secretary Rumsfeld said that he would fire the next person who asked for a post-war plan.

Now, Mr. Speaker, we can agree and disagree on a lot of things here, but when you have the Defense say to some of his underlings that the next person that asks me about a post-war plan will be fired, that goes right to the heart of the leadership of the Pentagon, the leadership of the Department of Defense.

How do you go into a war with no post-war plan? This was a mistake to begin with. And then at the end of the day you start hearing about all the ties between al Qaeda and Iraq that didn’t end up to be true. Then you find out that the Secretary of Defense didn’t want anybody to submit any kind of post-war plan at all to him, or the next one that did would be fired. It goes to the

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to direct their remarks in debate to the Chair, not to others in the second person.

I cannot support plans to provide federal reinsurance for the current system that allows insurance companies to shift their liabilities to taxpayers and property owners. Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

Finally, I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that the actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

I also pledge to work tirelessly to enact a natural disaster insurance program that provides for all-perils insurance coverage. There is no reasonable way to distinguish the wind damage from the water damage from a major hurricane. The worst destruction almost always results from the combination of the two. The division of wind and flood coverage guarantees that legal disputes will consume millions and millions of dollars for engineering reports and legal fees instead of going to pay damage claims.

STENY HOYER, JIM CLYBURN and also DAVE LILLY from Tennessee (Mr. LILLY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

In closing, I would like to thank Leader PELOSI and STENY HOYER, JIM CLITURN and also JOHN LARSON, our Vice Chair, the leaders of our caucus, for the opportunity to come down here and speak to other Members of this body about the issues of the day.

The Speaker: Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Thank you. Mr. Speaker.

Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

I also pledge to work tirelessly to enact a natural disaster insurance program that provides for all-perils insurance coverage. There is no reasonable way to distinguish the wind damage from the water damage from a major hurricane. The destruction almost always results from the combination of the two. The division of wind and flood coverage guarantees that legal disputes will consume millions and millions of dollars for engineering reports and legal fees instead of going to pay damage claims.

The Speaker: Under a previous order of the House, the gentleman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker.

Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

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The Speaker: Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

Mr. MACK. Mr. Speaker.

Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

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The Speaker: Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker.

Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

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The Speaker: Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker.

Any effort to provide a federal reinsurance backstop for insurance losses must insist on elimination of the exclusions and gaps in property coverage. Homeowners need to be able to purchase insurance and know that disaster damage will be covered.

I will continue to urge the leadership and my colleagues in Congress to undertake detailed hearings and investigations of insurance industry practices. Please know that actions of your company have helped make the case that Congress and the federal government must move to regulate insurance.

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question of what kind of leadership are we getting here.

And when you have this cowboy diplomacy that we have had for years in the United States of America, you know, the “Axis of Evil” comments, and “we are going to smoke them out,” and “bring it on,” and “mission accomplished,” and you have major magazines saying it is the end of cowboy diplomacy, well, when you look at the comments of some of the foreign leaders, of every leader of the United States a devil, it doesn’t seem like they think this is the end of cowboy diplomacy.

So we all got to move forward on this issue, Mr. Speaker, and we have got to somehow figure out together how we are going to do this.

One of the things that the Democrats want to do when we take over the House in January is to start having some hearings, to start providing some oversight.

If we could get that quote from Mr. Gingrich. Mr. Gingrich, the former Speaker, the man who led the Republican majority in 1994, said in the Wall Street Journal column he wrote a couple of weeks ago that the only way to begin to fix this is to have an honest assessment of what is going right and what is going wrong in the intelligence war in Iraq.

But if we don’t have an honest assessment, if we don’t have honest hearings, and we get briefed every now and again from the Secretary of Defense and it is not helpful. It doesn’t make any sense. And we continue to go down this road, to stay the course.

Here is what Speaker Gingrich is saying to us on staying the course. This is from the Wall Street Journal, September 7: “Just consider the following: Osama bin Laden is still at large. Afghanistan is still insecure. Iraq is still violent. North Korea and Iran are still building nuclear weapons and missiles. Terrorist recruiting is still occurring in the U.S., Canada, Great Britain and across the Atlantic. This is Newt Gingrich saying that this has been a real failure in leadership on the war on terrorism.

Then you come back to homeland security. You come back to what are we doing here at home with the ports, with the immigration issue, with what the Democrats want to do compared to what the Republicans want to do.

If what we were able to accomplish under President Clinton compared to what has gone on with President Bush, this is just border security numbers, Mr. Speaker, the average number of new Border Patrol agents added per year. In the Clinton administration, 411. Under the Clinton administration, we actually increased the number of Border Patrol agents much more so, by 230-some a year more than the Republicans have under the Bush administration.

Immigration, INS fines for immigration enforcement. In 1999, 417 under President Clinton. Only three in 2004 under President Bush. The Clinton administration was much more aggressive on the Border Patrol issue.

There were 78 percent fewer completed immigration fraud cases by the INS under the Bush administration. Look, in 1999, 6,455, and 1,389 in 2004 under the Bush administration.

If you look at what we followed as the immigration debate here in Congress has raged, you will see that if Democratic amendments, the amendments that we tried to get on over the last 5 years, would have succeeded, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration enforcement agents along our borders than now exist.

It is clear that the Democratic Party doesn’t only provide the rhetoric, but we provide the solutions necessary to try to solve some of these problems. Day in and day out, as we continue to have this debate, talk about it, or we can put our money where our mouth is and fund these Border Patrol agents. We can make sure that more than 6 percent of the cargo that comes in and out of the United States is checked for weapons destruction, and for illegal immigrants, for that matter.

We have to do this, and we have to be willing to put the resources necessary into the programs. That means that there are going to be some difficult decisions, because over the last few years we have seen the budget in the United States of America go bust, billions and billions and billions of dollars wasted, billions given to the pharmaceutical industry, billions given to the oil industry, to corporate welfare.

If we don’t begin to change that, if we don’t begin to put in some basic structural changes to the way the budget process works by putting in PAYGO, yes, rule making sure you can’t spend money that you don’t go somewhere else so you don’t have to borrow it. And that is what is happening right now.

I must commend, Mr. Speaker, Senator Voinovich from Ohio, who is talking about waking up the Congress to say we have got to balance our budgets. We have to, because we have two options. We can ask the top 1 percent of the people in this country, the top 1 percent to make more than $1 million a year, we can either ask them to contribute their fair share, and they have benefited greatly over the last couple of years, and use some of that to help us reduce our budget deficits. We either ask them to help, or we have to borrow the money from China and Japan. Those are really our two options.

Over the past few years we have been borrowing the money from China, we have been borrowing the money from Japan, and it puts us at a tremendous weakness when we have to go to China and ask them for help with North Korea, when we have to go to China and ask them for help in Iraq, when we have to go to China and ask them for help with Russia.

All of a sudden we are going to the bank that is lending us money and asking us to help us with our diplomacy. I don’t care if you are a liberal Democrat, if you are a conservative, the United States has always prided itself on making sure we balanced our budgets.

In 1993 in this Chamber, controlled by the Democrats, without one Republican vote, we balanced the budget. 20 more months of your job, Mr. Speaker, if all of the Presidents added up did not borrow as much as President Bush has borrowed.

So we have a solution, Mr. Speaker, that is not a Democratic solution or a Republican solution, but it has to be based on reality, and, Mr. Speaker, this is the advice that Mr. Gingrich has given on the broken system in Washington. He said in the Washington Post in July, “The correct answer,” Gingrich said, “is for the American people to just start firing people.”

And I think that is about the sentiment in the United States right now is that the American people are ready for new leadership. When you think about what Mr. Gingrich is saying, and you read his Wall Street Journal articles, and you read his books, and you think about what he is saying, in 1994, when the Republican Congress came in and the Republican revolution, and you think about what he said, and you think about what he has said in his Wall Street Journal articles, over how many times, and it was masterful campaigning, about we need to run the government like a business, we need to balance the budget, we need to make government more efficient, there is too much waste, there is too much fraud, there is too much abuse, and if we just squeeze the government, we are going to be able to get the kind of resources that we need to fund the programs that we need and give tax cuts and some relief to the American people; and if you look now, in 2006, as to what the Republican majority has done with that opportunity that the American people gave them, it is really a shame because we have huge budget deficits. We are borrowing money from foreign interests. The government is fat and bloated and bureaucratic, and we lose $9 billion in Iraq, and nobody really knows or seems to care as to where it goes.

You have all this pay to play going on. You have a K Street Project going on, started by the Republican Party, and that basically says if you are a lobbyist and you want us to help you, if you want the Republican Party to help you, you need to hire my ex-chief of staff to
run your lobby organization, and then you will have access.

When you look at the money, the public money that is being spent on corporate welfare, $12, $13, $14, $15 billion to the energy companies, that is not a real job of government.

When you talk about running the government like a business, and you look at the waste and you look at the bloatedness and you look at the government’s inability to address two, at least, of the major responsibilities that we are charged with on here, and that is national defense and emergency response.

The national defense side, look at the war in Iraq. This great Republican revolution gives the power and the responsibility to Rumsfeld and Wolfowitz and then does not take that responsibility away, then does not demand that they get fired, but they promote him. Wolfowitz is now at the World Bank, and Rumsfeld, no one will dare disparage, speaker. They are both architect of one of the great catastrophes in the history of the United States of America. No one’s been fired.

I run into business people, hard-core conservative Republican business people I talk to, and they say one of the generals running the business, Rumsfeld would have been fired 2 years ago.

This is not a partisan issue, but you have to provide oversight. It is not about putting your party before the country, and what is what is happening now, and no one will admit it, this stay the course, bury your head in the sand and somehow forget about the reality that is happening on the ground.

When you see time and time again, time and time again, generals that leave and retire and then all of the sudden have a lot to say about what is going on on the ground, and they have a lot of opinions about what is happening in the administration because no one was being listened to, first it was not enough troops, then how it had to change on the ground and the lack of responsiveness. That is not running government like a business. That is not responding to the market in the case of Iraq. That is ignoring the facts on the ground to benefit yourself politically. That is putting the Republican Party ahead of the Republic, and it does not work that way.

Sometimes you make mistakes and you admit it on your face. It does not mean you go get a new banner printed or a new slogan printed. It means you admit it, and you go forward.

Let us have hearings. I am fortunate enough, Mr. Speaker, to sit on the Armed Services Committee. The brainpower on that committee, the kind of experience of Members on that committee, is tremendous, and it has been one of the nonpartisan committees for the most part. Why not go before this committee, let us hear from all these people who have traveled the world, who have been involved in the war in 1990, people like Mr. MURTHA who are on the Defense Appropriations Subcommittee, sit down with these people. Let us figure out, and someone may get some egg on their face, and someone may have to be fired, but if the team’s not performing, you may have to cut a few people. You may have to move some positions. You do not promote them.

And you look and see what these generals are saying. “Rumsfeld and his team turned what should have been a deliberate victory into a prolonged challenge.” John Batiste in the National Journal, chief military aide to Paul Wolfowitz, brigade commander in Bosnia.

Anthony Zinni: “‘We’re paying the price for the lack of credible planning or the lack of a plan. Ten years worth of planning were thrown away.’”

How can you have lack of planning in a major war? Again, we are not talking about a Rotary Club building a river walk. We are not talking about a Kiwanis group in our local community building the town square. We are talking about going to war. We are talking about the most deliberate act that a government can make, that we are going to put our soldiers in harm’s way. There are probably going to be Members of Congress who will lose one family member be killed, and we are going to kill other people, and now we have these generals saying we did not have a plan. That is the height of irresponsible leadership.

You look at what General Charles Swannack, Jr., said: “I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq.” That was in the New York Times in April.

This is not the Democratic Caucus saying this. This is not me. Look at what another general said: “If I was President, I would have relieved him 3 years ago.” This is someone who has got the Bronze Star medal with Valor Silver Star with a purple heart and a gold star, Legion of Merit. These are well-respected people in the military establishment saying we need to get rid of Rumsfeld, which I think would be a great gesture to the international community to say we have made a lot of mistakes. Maybe we can be a bit humble and say that and ask for help and say that we need to make this a global effort.

If you have this kind of irresponsible behavior, this lack of self-awareness to say that we have made some mistakes and we want to go about fixing them I think disrespects the process here, and quite frankly, it disrespects the American people. To try to pitch this al Qaeda-Saddam Hussein pie, when we find out that Saddam did not want to help al Qaeda at all, when you see that, and then yet you continue to ignore the facts on the ground, Mr. Speaker, it only puts us in a deeper hole and makes things more difficult.

So the people who have been executed like a business because we have not changed, we have not streamlined. And you look at the wasted money on contracts and the amount of money some of these big donors have made, the war profiteering, again, a slap in the face to the American people.

Then domestically when you look at Katrina and a lot of the emergency response problems, you know, one hard to find out again that this government really was not run like a business, that this emergency response system was not streamlined because we had Wal-Mart and we had some of these other businesses, they were getting water and supplies in and out, their response was much better, much more efficient, much more effective than the Federal Government.

But it is the Federal Government’s responsibility to make sure that we can address these national and natural disasters that happen in the United States of America. That is our responsibility. That is our constitutional obligation. So it is very important that we figure out how to streamline that. That is not the responsibility of the Republicans. It is the responsibility of the Democrats. It is the responsibility of the Democrats.

And then when you talk about the bloatedness of government, I want to share with you, Mr. Speaker, and the American people, there are the blowhards who say the Republicans have made so many proposals that we have here and that the Democrats will offer in January when we take over this Chamber.

There are two bills, one by Representative TANNER from Tennessee and one by Representative CARDOZA from California. These bills say that we are going to run an audit, a real audit, of the Federal Government, and we are going to squeeze this government. We are going to make it fit an information-, knowledge-based economy, and we are not going to sit back and just allow the bureaucracy to grow and grow and grow and keep feeding the beast and just say if we write a bigger check, somehow the problem will go away. You cannot fix it without providing some auditing and then the reform necessary.

The programs that do not work, we get rid of. The programs that work, we fund them, and we fund them by squeezing the waste and the bureaucracy out of some of these other programs, and making sure that every dollar that we get from the taxpayer is spent well and accounted for.

And like most about these two bills is that we are going to hold the Secretaries of the departments accountable, and so if there is an audit, and recommendations are made, then the Secretary, the CEO of that department, will be held accountable. If they do not meet the requirements of that audit, that Secretary will have to go back to the Senate to get confirmed again.

That is accountability. That is saying no matter what, you are Secretary of Health and Human Services, if the GAO audits you, a real audit, and we make sure that we know
that the facts are right, and you do not meet the requirements of that audit, then you will have to go back for a re-confirmation.

That is how you get change in these huge bureaucracies, and that is what the Democrats are going to do, because if we do not rectify this growing deficit, if we do not get it ready and able to move us into an information-, knowledge-based economy, we are going to continue to fall behind because we do not have the resources. We cannot keep going back to the taxpayer, asking them for more money and more money and more money, because they do not have it.

Now, if you look at what is going on, why they do not have it and the squeeze that the average people are going through now, look at this.

□ 1745

The minimum wage is now at its lowest level in 50 years adjusted for inflation. Real household income has declined nearly $1,300 under the Bush administration. So you are making $1,300 less. The cost of family health insurance has skyrocketed by 57 percent. These are facts. These are not made up.

So hourly wages are down 2 percent, consumer confidence is down, gas prices are up 20 percent, and mortgage debt is up 97 percent since the year 2000.

We can’t keep going back to these people and asking them for more and more and more money. And the unfunded mandates that are coming from this Congress down to the States and the local tax burden is being increased for mental health levies, for library levies, for community development projects, and these are only many of them, and one of them is one I represent, Youngstown, another one Akron in Ohio, these cities don’t have the resources. And if we are going to compete as a country, you have got to look at it like this: right now it is much different. Cities like Youngstown, cities like Akron, northeast Ohio, Cleveland, we are not longer competing with each other, and we are no longer competing with New York and Chicago. We are all now competing in a global economy.

And as we compete in this global economy, as regions and as a country, we have got to recognize that we only have 300 million people in the United States of America. And when you compare that to the 1.3 billion people in China and the billion people in India, you will see that we have got to be at the top of our game because we only have 300 million people. And when we have many of those people living in poverty, and Cleveland is now rated the poorest city in the entire country. I see Mrs. TUBBS JONES is here who represents that area. With the poverty rates in Youngstown and all of these cities where 80 percent of the kids who go to some of these schools qualify for a free and reduced lunch. And their nutrition levels go down in the summer-time when the school lunch programs and those kind of things that are offered, breakfast programs, aren’t available in the summer. So how are we going to be Mrs. TUBBS JONES, to compete in a global economy when we are not making the proper investments here at home?

I yield to my friend from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. I absolutely agree with you, my colleague. And I want to thank you for your leadership on this issue, and I thought I would give you a moment to take a break.

The real reality is that in Cleveland we have suffered so greatly since 2001. Since 2001, in the city of Cleveland alone we have lost 60,000 jobs, and those 60,000 jobs were high-paying jobs. These were jobs of steel workers; these were jobs of people in the auto manufacturing. And if you start talking about unemployment, the discussion always is that these folks have gone back to work. They have gone back to work, but what kind of money were they making? They are making $6, $7, $8 an hour, not the $20 that they were making. So they move from being part of the middle class to part of the working poor, where they are working every day, they are getting paid wages, and they are still very poor.

Let me give you an example. President Bush talks about economic change that has occurred since he has been in this administration. But the reality is that economic change has not hit those of us who go to work every day.

Let’s take a look at this chart here. If you look, the minimum wage has not increased any in 9 years, but whole milk, the cost of whole milk has increased almost 100 percent, 97 percent; milk, gallons of milk to take care of their babies and their kids and their high school students? Let’s look at bread. Bread costs have increased 25 percent. Minimum wage was still at zero.

Let’s look at a 4-year public college education, increased 77 percent, and minimum wage is still at the same. Head in health insurance, increased almost 100 percent, 97 percent; minimum wage is still a zero increase. And then let’s look at a regular gasoline, increased 136 percent.

Now, right now, the gas is going down, and we don’t want people to be fooled that gas is going down in reality, because this election is about to come up, and they don’t want to be accused of having high gas prices very close to the election. But don’t be fooled. Minimum wage still has not gone up, bread has not gone down, milk has not gone down, college education has not increased, health insurance has not gone down. In fact, there are people who are in bankruptcy as a result of not being able to afford health insurance. And as a result of the cost of their health insurance, they are in bankruptcy losing their house because they have to pay the cost of health insurance.

Mr. RYAN of Ohio. If the gentlewoman will yield, because I think this fits. If we are going to be competitive as a Nation, we need to have healthy citizens. All of them, not just some of them. The days of us just being able to compete globally by having everyone in the steel mill and a few percentage healthy and working in the office are over, and we know that, in northeast Ohio. And so if we don’t have these kids and our citizens healthy and educated, and provided some opportunity, it is going to be hard for us to compete. So that is a key component of us being a great country.

Mrs. JONES of Ohio. Absolutely. And it is a security crisis for us to have people going back to work that are unhealthy. How many of you have ever gone to work and get to work and somebody has the flu, or they have something, and you get to work and you have the flu and people start coming on one another whole office needs to go home because that one person couldn’t go somewhere and get taken care of? It is a terrible situation for us to be in currently.

I have got one more chart, and then I am going to leave it to the 30-something Group. I am 30-something-plus, but I am going to leave it to the 30-somethings when I get done.

Let’s look at another increase, congressional salary increase versus minimum wage increase. I am a Member of Congress. I voted for a congressional salary increase. But I have always voted and screamed and hollered for a minimum wage increase, and I can’t seem to get it to happen.

In 1998, the congressional salary increase was $3,100; minimum wage, a big fat zero. In 2000, the congressional salary increase was $4,600; minimum wage increase, zero. 2001, $3,800; minimum wage increase, zero. Minimum wage increase, zero. And the chart goes on. And as recent as this year, 2006, the congressional wage increase was $3,100. And you know what? Minimum wage was zero.

Now, there are some of my colleagues who won’t vote for a congressional salary increase. And you know why they won’t vote for it? Because they think their constituents will say, why should you get an increase when the whole office needs to go home because the working poor who go to work every day, who work hard to take care of their families ought to get paid.

I am so glad to join the 30-something Group here. My colleague, KENDRICK MEZZ, I want you to know how proud I am of you, of the work that you are doing in your area and on the national scene.
These two young men have shown strong leadership. When the Democrats take control of the House, we are going to be in great shape. We have got a farm team operating right here.

Mr. RYAN of Ohio. I yield to my colleague, Mr. KIRCHICK MEEK, the gentleman from Florida.

Mr. MEEK of Florida. I thank you, Mr. RYAN.

I can tell you, Mrs. TUBBS JONES, when I pulled in here close to the Chamber, I was off campus, and I saw your car there and I knew everything was going to be well represented here on the floor. And I am glad that you brought issue and put life in the lungs of what is actually happening here. When you talk about minimum wage, I can tell you right now, as it relates to the middle-class squeeze on families, especially as it relates to lower incomes and higher costs, these are rising health care costs up here. And here are the falling incomes of those individuals, greatest time to make ends meet and less and they are having to spend more and more.

And I think it is also important, Mrs. TUBBS JONES, to point out the fact that we want to take this country in a new direction. That is what we are talking about.

You want to talk about salary increases, Mr. Speaker. For Members of Congress, we are saying here on the Democratic side of the aisle we are not going to vote for another pay increase for Members of Congress until the American people get an increase.

And we do know, Mrs. TUBBS JONES, that we had some legislation on the floor because we were hammering away at the Republicans on this side, majority, okay, on the other side of the aisle about an increase for American workers. What did they do? The Potomac two-step, put together all kind of stuff that was unpassable in the Senate, and then the rush to the floor knowing full well that it wasn’t a well-intentioned minimum wage increase. We want to take it to $7.25 an hour. They know full well, and I am saying “they” because that is what Newt Gingrich is calling the Republican majority. That is not me, Mr. Speaker. That is what Mr. Gingrich said when he said “they.”

It is important for us to say that we are willing to stand up on behalf of the American people, all American people, Republican, Democrat, Independent, those who are not voting yet, Mrs. TUBBS JONES, and to make sure that they receive an increase. And what happens with salaried workers, let’s just say there are people in our districts that are not individuals that are making the minimum wage, they are making a little more than the minimum wage. And if they make $8, $10 an hour, when the minimum wage goes up, then there is going to be a renegotiation of their salary. And then the CEOs, I mean, the talking CEOs. Mr. RYAN and I always say that profits are good, we think it is a good word, it is not a bad word. But when you have CEOs that are making more than 500 employees in a company and you are having individuals who are not able to cover their health care costs, Mr. Speaker, I think that is something we bring into balance.

And this Democratic caucus, when in the majority, if allowed to be in the majority by the American people, have already said one of the first business actions that we would take is increasing the minimum wage, amongst other things.

Mrs. JONES of Ohio. And the beautiful thing about it is, and maybe I misstated when I said that we haven’t voted for a minimum wage increase, we haven’t voted for a stand-alone minimum wage increase.

You know how they did that? What they did is, Okay, working folk, we are going to take care of you. We will say we will give you a minimum wage increase, but it will be included in a package where we give the top 1 percent this and that in tax cuts. Outrageous. It doesn’t make any sense.

And know when the Democratic leadership takes over, we are going to take care of the working people, and they won’t have to worry about anything else. They want to couch us as being tax-and-spend Democrats and not concerned about security, but we are going to take care of the working people, and they will know that we will be there for them.

Gentlemen, thank you very much. On that, I am going to see you later.

Mr. MEEK of Florida. Thank you so very much, Mrs. TUBBS JONES. And I can tell you, it is always good. Mr. RYAN, having a member of the Ways and Means Committee here to be able to share some higher thoughts on legislation here that we are talking about.

But, Mr. Speaker, I think it is important, I think it is very, very important that we shed light on what has actually happened here in this Chamber and what has not happened. There are a lot of pieces of legislation that are coming to the floor as we close out this 109th Congress, as we start right before the elections, before we go on what we call a lame duck session after the elections. Members of Congress, many are on jets and driving, or planes, trains, or what have you, going back to their districts. We decided to be here, the 30-some-thing Working Group. We have another office just this week and say something to the President, who burned all kind of attempts by the Republican majority and the Bush administration, I am concerned about that. But we have made a commitment for 2006, taking America in a new direction, that we will protect Social Security, as we have protected it from attempts by the Republican majority and the President, who burned all kind of jet fuel to try to ram a privatization plan down the throats of the American people. I think it is important that the Members and the HouseDemocrats.gov and get our plan as it relates to securing Social Security.

Looking at affordable health care, I think it is important that we look not only at prescription drugs, but also make sure that there is a major focus on health care. And there are health care professionals, I had a major health care insurance company come into my office just this week and say something has to happen.

First, the small business to the Fords and the GMs of the world, health care is crippling this country. We have a war in Iraq, but we have a war here as relates to health care in the United
States. We are dedicated to making sure that we have affordable health care for children and seniors, and making sure that we use our buying power to secure lower prices for our seniors as it relates to part B.

We talk about energy independence, investing in the Midwest versus the Middle East. We are talking about $85 billion or alternative fuels and using coal. We are the Saudi Arabia here in the United States in regards to coal. We have the potential to supply the whole world as it relates to energy, and we can use it for our own benefits to secure America, and that is homeland security in making us stronger.

We did not put out our innovation agenda, Mr. Speaker, and also energizing America, making us energy independent. Members can also view that on HouseDemocratic.gov. That is making sure that the next generation is ready to take on the major issues: generation, broadband for all Americans, making sure that all Americans have access to the superhighway, and making sure that they have broadband opportunities.

Making sure that we reverse the tax increase that the Republican majority has put as it relates to student loan opportunities. There is legislation filed in this 109th Congress that would reverse that and cut it in half, and make sure that we give tax credits to students, and also parents who are trying to educate their children. That is something that is very, very important. The Republican majority has brought a great increase in the cost of college. We have said that we are dedicated, and we have the will and desire to make that happen. That is part of our six-point plan.

We have talked about the minimum wage. That is so very, very important. We have to make sure that we are dedicated to that. We want to believe that idea. But when you haven’t increased the minimum wage since 1997, and say it is okay for you to give Members of Congress pay increases as far as the eye can see, $3,100, $4,600, $4,900, and on and on and on, continued pay increases for Members of Congress.

And don’t get me wrong, it is difficult for Members who have decided to serve their country and have a home in their district and try to have some sort of a place to live here in Washington, D.C. Yes, I am not knocking cost-of-living increases for Members of Congress, but I must say that I am very, very concerned with the fact that those individuals that punch in and punch out every day, 15-minute break in the morning and afternoon, 30 minutes for lunch, we put them at an unfair disadvantage when we allow ourselves to receive benefits.

The Republican majority has done that. We have said on this side not another pay increase for the Members of Congress until the American people get a pay increase. That is something that we are standing very close to and making sure that we deal with it.

When we talk about homeland security, homeland security, there is a lot of discussion about homeland security. We have said that we are going to implement not any ideas that someone in some office here in Congress just says, oh, I think that is a great idea, we will do it if we get in the majority. No. Well-thought-out, well-fleshed-out ideas are going to be the way we get to homeland security. So we have put forth that the 9/11 Commission has called for, and making sure that we implement the 10 unimplemented recommendations by the bipartisan Commission that went through this Congress and made sure to that the National Security Director testified in front of, former and present Members of Congress, members from our intelligence organizations spoke before it, 9/11 families spoke before, and survivors of 9/11. They all took an opportunity to testify in front of this committee, and there are a number of issues that are unfinished business as it relates to that.

Some of the higher points, and I won’t go through the points of the 10 points right now, but one simple one, air cargo. What is going on with that? I mean, we are running around at the airport giving up hand sanitizer, shaving cream, taking off your jacket, belts and shoes before you get on the plane. Meanwhile, cargo goes in the bottom of the plane, no problem whatsoever.

It took the Brits to disclose a liquid explosive attempt on a plane that was headed to the United States of America. Before that Department of Homeland Security started to work, maybe we ought to deal with that because that was one of the 9/11 recommendations. We are saying that we don’t want to be reactionary. We want to be proactive. We want to implement the full recommendations of the 9/11 Commission, and that is something that we are dedicated to doing if we have an opportunity to do it.

Some may say, Congressman, why aren’t we implementing this quickly? It is because we don’t have the chairmanship of the committees or the ability to bring a bill here to the floor after going through the Rules Committee, to bring these pieces of legislation and ideas to the floor.

Another thing, Mr. Speaker, and I will go beyond the six points here to say that we have the will and desire to work in a bipartisan way. I feel personally that there are some Members on the Republican side that understand the importance of implementing the full recommendations of the 9/11 Commission.

I don’t want to go off on a philosophy that nothing major is happening in the United States so we must be doing something right. I would be on the side of recommendations by a bipartisan commission led by a Republican former governor who continues to give low marks to this legislative branch because we have not carried out the things that we need to carry out.

Mr. RYAN, before I yield back to you, I want to mention as the ranking member on the Subcommittee on Homeland Security, Oversight and Management, there was a company that was awarded the SBInet contract that put surveillance cameras along the border. Something that I am not proud of is the fact that there are two other similar programs prior to this program that has been underway for the third time that spent $426 million of the taxpayers’ money. Towers were built in some areas, cameras did not work in other areas, it was not monitored the way it was supposed to be monitored, yet we were left with a $2.5 billion contract to a company.

We have the inspector general of the Department of Homeland Security who is going to be coming before our subcommittee after the election in November, I must add, and he will report that the Department of Homeland Security doesn’t have the capacity to be able to take on such contract, or monitor the contract, in a way to make sure that we don’t have cost overruns and we are making sure that taxpayer dollars are not spent inappropriately.

The 9/11 Commission, one of the 10 points was that we add 2,000 border protection officers yearly. The President sent his budget to this Congress and our committee asked for 215 border officers. You want to talk about Article I, section 1 oversight, making sure that we ask the tough questions? We are not doing it. The Republican majority doesn’t want to do it. We are saying that we have the will and the desire to let’s make that we do it, and we are up front and straight with the American people.

Mr. RYAN, as we start to look not only the new direction we want to take American in, as the Democratic Caucus and as a Congress, we want to make sure that we identify where we are falling short.

Mr. Speaker, all of this is very achievable if individuals were just to legislate and have oversight and work in a bipartisan way. What is being brought to the floor in the closing days of this 109th Congress to split the Congress as it relates to philosophy.

There was a bill up last week that talked about building a double-link chicken fence along 200 miles or so of the border with no funding. That is like me saying, Mr. RYAN, I would like to build a monument out on the Washington Mall to celebrate the great victories that this country has had, whether it is educational or the case may be, over the history of our country, but I am not going to appropriate any money for it. But we are going to take it to the floor, and we will pass it anyway. Just on that, on the basis of the fact that there is no funding, it is like saying to me, it is like a suit hanging up in the closet and no one in it.

It is important that we come straight with the American people. If we are serious about protecting our borders, let’s do it for real. Let’s not pass a bill without appropriations. Let’s not bring a bill to the floor talking about giving authorization to local law enforcement
agencies to interrogate undocumented individuals in our country without any funding, because what the Federal Government is going to do is hand that responsibility to local sheriffs and city police officers and send the recommendation for the 250 Border Patrol officers to the House when they know we need 2,000. Let’s stop handing it down to local governments and saying it is your responsibility. Let’s man up, woman up and leader up and do what we have to do on behalf of the American people. We are saying if we are in the majority, we will do it.

Mr. Ryan of Ohio. As I stated earlier, if Democratic amendments over the course of the past few years, the last 5 years, would have been adopted, there would be 6,600 more Border Patrol agents. There would be 1,400 more detention beds, and 2,700 more immigration enforcement agents along our borders to help us solve some of these problems.

It is a lot like when you invite me out to dinner and you offer to buy me dinner, and then you don’t bring your wallet, you know what I mean, and then I end up paying for the dinner. It is just the same thing. You say you are going to provide the Border Patrol agents, and then there is no money there. You invite me to dinner, and then there is no money there. It is pretty much the same thing.

Mr. Speaker, as we wrap up here, this is the 30-something Working Group. We are talking. You can visit us at www.HouseDemocrats.gov/30something. All of the charts that you see here, Mr. Speaker, are accessible on that Web page.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING SERVICE MEMBERS IN GLOBAL WAR ON TERROR

The SPEAKER pro tempore (Mr. Rechnitz). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, as I rise tonight to begin this hour, I rise with a very new and with the newfound sense of pride and patriotism I have ever had as I honor the life of Sergeant David Thomas Weir.

Sergeant David Weir died 8 days ago on the streets of Baghdad in service to our country. He is from Cleveland, TN, where last night over 2,000 people showed up at the Bradley Central High School football arena to honor a great American hero.

I spoke with Sergeant Weir’s mother and father 2 days ago, Lynn and Jackie Weir, and it is just extraordinary to me that there are families in this country that love freedom so much, love our country so much that even in the most grief and sadness they could ever imagine or experience, a hundred percent believe in the mission, the service, the sacrifice of their own son to defend liberty for all.

Lynn Weir told me that if he would have tried, and he didn’t, to keep his son from going, he could not have kept his son from going. He said David Weir, from the time he was a little boy, to serve his country in uniform. He was a member of the 101st Airborne. This was his career. This was his way of life. He leaves a wife behind, Alison; a little 18-month-old son, Gavin, who does not understand what has happened. But everyone else knows very clearly what has happened.

A great American patriot died doing what he wanted to do, which was to stand in harm’s way on behalf of our civilian population as the Greatest Generation did. Generations have been called to, at a time when there is a very real and imminent threat to our way of life called the Islamic jihadists.

And Sergeant Weir goes to heaven, leaves this earth, as others have, the most sacrificial way, answering the scriptural call that says “No greater love hath any man than to lay down his life for his friends.”

And I say to Jackie and to Lynn and to Alison and to your father, Chris, Chris, his brother; your son gave his life for everyone in our country. We will never forget him. We will always remember him. We hail his life, a sacrificial life of service to others, putting everyone else above himself, believing in his mission and his comrades.

His father said he talked to him the day before and he was so excited about getting out in the streets of Baghdad because he wanted to be sitting behind a desk, because that was not what he was trained to do. That was not what he volunteered to do. That was not what he was prepared to do. He did what he went there to do, and it cost him his life. And while his parents grieve, our State and our Nation stand united, I believe, in their full appreciation of his life and his sacrifice and his extraordinary courage and bravery.

On Monday, this coming Monday, I am honored to be with the family in Chattanooga, Tennessee, with all military honors as we lay him to rest in the national cemetery.

Thank you, Sergeant Weir, for loving our country so much that you were willing to die for it.

Another friend from my district, Lieutenant Colonel Brett Hale, is there serving in Iraq today. He is the commander of the Dragon Slayers. He too is a patriot. His family is back home praying for him every day, a wife and children.

He sent me an e-mail 10 days ago. I want to read part of it in my tribute and our honor on the House floor tonight of these great American patriots who volunteered to serve our country and make their life secondary to ours.

He wrote me and said: “If we could only get the truth communicated to the public, they would know we have made great strides here in Iraq. Weekly we are transferring responsibility for the security in many provinces,” and another one was transferred yesterday, “and cities back to the Iraqi military.

We are certain people here is a ‘civil war.’ I want to tell you first hand it is more about Islamic jihadists crossing over the borders. They continue to attempt to disrupt a young emerging democracy. The insurgents are capitalizing on the ineptitude of this government and directly causing the sectarian violence and so-called fueling the fire. They get more and more strength and resolve when they hear the discoursce in our country.

Mr. Speaker, as I rise to speak, I am troubled. "It is our choice. We are either going to support our efforts to win the Global war on terror, or we are going to support those that want to retreat inside our borders and wait for the next attack. We found out on 9/11 if we retreat, they attack."

Finally, why did we go to Iraq? Ask yourself why did we fight Germany in World War II? Japan attacked us, not Germany. The same principle applies. We couldn’t take the chance and we can’t now. Those that say otherwise are sympathizing with the enemy’s, their time before we give up because we perceive the war in Iraq is too difficult.

“We all know anything worthwhile is not easy. Freedom is not free. The Iraqis are trying to make it work. If we retreat, the terrorists will win now and they win in the future when they have a safe haven to plan, train, and operate and attack us again."

"It is our choice. We are either going to support our efforts to win the Global war on terror, or we are going to support those that want to retreat inside our borders and wait for the next attack. We found out on 9/11 if we retreat, they attack."

That is from Lieutenant Colonel Brett Hale to me on the ground in Iraq. What a patriot. As he says, the word is not getting out in this country in a fair way or program making. As General Casey said, “If we leave, they will follow us home.” These threats are real.

Mr. Speaker, I have been down here 4 weeks in a row as I have been in Washington to try to go through the severity of these real threats around the world and the fact that the jihadists are spreading like wildfire through Europe. Read the book “While Europe Slept.” Read the book “Londonstan.” You will know, if we retreat, there is a radicalization under way. Even the Pope can’t speak of it because it is not politically correct to say that fanaticism in religion is not good for the world. It ought to be obvious to all who volunteer to serve our country is how or how many there are or what is politically correct, fanaticism does lead to holy wars and the crusades. And we don’t want that. We want the mullahs and the ayatollahs to condemn suicide bombings. We want peace and security for the world. We want our allies to have a backbone and stand up and acknowledge the threat. We want our
President to go to the United Nations and say we can appease other countries. We have to stand behind security for all and freedom for people and liberty everywhere.

We are all amazed in this country that our hemispheric counterparts in the southern, the President of Venezuela comes to our country and says this. Hugo Chavez is his name. In this country we call each other out of respect. Even the people who just spoke, whom I couldn't disagree with more. The people we like are all humble patriots. They are all interested in the next election, not, frankly, the future of our country and preserving liberty and standing up and meeting the challenge of this generation. It is all for them about 47 days from now in an election instead of "I believe in my gut," standing up and protecting our country. But despite that, because we are decent, reasonable, we call them "honorable." We call each other "honorable," regardless of who we agree with. We have got to tell you what the President of Venezuela did in this country yesterday was dishonorable. It dishonored his nation. It dishonors the people of his nation. It dishonors everyone south of the border, our hemisphere, because what it does is it causes people in this country not to trust or even like people who come into this country and say what President Hugo Chavez said yesterday.

He said this: "The devil was here yesterday. It still smells of sulfur around here," he added. He said, "The President of the United States, the gentleman to whom I refer as the devil, came here, talking as if he owned the world, truly, as the owner of the world."

"I think we could call a psychiatrist to analyze yesterday's statement made by the President of the United States. As the spokesman of imperialism, he came to share his nostrums, to try to preserve a pattern of domination, exploitation, and pillage of the peoples of the world." He said, "The President of the United States came to talk to the peoples—to the peoples of the world. What would those peoples of the world tell him if they were given the floor? ... I think I have some inkling of what the peoples of the south, the oppressed peoples, think. They would say, 'Yankee imperialist, go home.'"

"I have in my feeling, dear world dictators, that you are going to live the rest of your days as a nightmare because the rest of us are standing up, all those who are rising up against American imperialism, who are shouting for equality, for respect, for the sovereignty of nations."

This was the President of Venezuela, in our country, saying this.

And let us praise a Democrat in this House named CHARLIE RANGEL, whom I seldom agree with. But, boy, do I appreciate his patriotism in defense of our country and its traditions when he said this today. He said, "You do not come into my country, my congressional district, and you do not condemn my President. If there is any criticism of President Bush, it should be restricted to Americans, whether they voted for him or not. I just want to make it abundantly clear to Hugo Chavez that the people of this country do not come to the United States and think because we have problems with our President that any foreigner can come to our country and not think that Americans do not feel offended when you offend our Commander in Chief."

This is a troubling time in American history. I say to young people everywhere who go, the days ahead will be very, very difficult. We need to be honest about this. But the character of this great Nation was born out of the sacrifices, the courage, and the willingness to face these challenges of our grandparents and our great-grandparents. The Greatest Generation, they are the standard for stepping up to meeting global challenges, and they gave us our character. We didn't get our character by the big buildings or Wall Street or wealth or even military power. We got it by sacrifice and dedication and commitment and family, and they are the standard. They didn't cower or retreat from these challenges. They stood up. They faced them head on. They showed us what it took to preserve freedom and extend it from one generation to the next. And we must do the same thing. We must come together as a Nation.

"I hate it that we are in the middle of this political campaign while we are at war because it is not good for us to say the things we say, even on the floor of this House. It is not good for Lieutenant Colonel Hale and others to look back here and see the potshots being fired. I hate it that over half of the Democrats voted to remove Saddam Hussein by force and almost half of the Democrats voted and now they all say it was a mistake."

Let me tell you there has never been a pretty war. Never. There has never been one perfectly executed, and you do not remove a genocidal mass murderer with a picnic. It is ugly. And a brand new democracy takes a while to develop. And it is tough. Tough. But thank goodness that men and women in uniform will volunteer to go serve and defend the country and defend our democracy and extend liberty from one generation to the next. These are difficult days. America needs to pull together.

I want to yield to my colleagues that have come tonight, two of the people I respect the most in the House. First the gentlewoman from North Carolina.

Mr. Speaker, the proliferation of Islam extremism and jihadism has already inflicted our Nation with great pain; and it continues to grow and spread. And it is our job to fight these Islamofascists on their land and on our terms. Any other option is unacceptable.

When the Islamic religion is perverted, twisted and turned into an excuse for hatred, extermination of entire populations, we must stand against it and remain steadfast in our battle to eliminate this extremism.

This situation has been brewing for a long time. It is not something that just happened overnight. It is a clash of ideologies. It is a fight between freedom and democracy versus terrorism and tyranny. This is a battle we cannot afford to lose.

To allow the terrorists to win would destroy America and modern civilisation as a whole. We must persist in rooting out terrorist cells and those who preach hatred and death and continue to adapt to the needs of the war on terror to ensure security, stability and freedom throughout the world.

Make no mistake about it, this goal will yield a prolonged effort. We must never forget the day America awoke to the frightening new world where jihadists flew planes into buildings, killing thousands. While we have yet to experience another attack on American soil, there are continuous plots that have been executed and others that have been foiled. The bombing of a commuter train in Spain, the bombings last summer in London on the subway and buses are only a brief list of terrorist attacks that have been planned and executed by Islamofascists.

Yet, through intelligence sharing, surprise attacks, violence and effective antiterrorist initiatives, other plans have been foiled, such as the attempt of shoe bomber Richard Reed and the...
recent plot to blow up planes en route to the United States from Great Britain.

Furthermore, due to the nature of their work, the greatest success by those in our intelligence community will be hard won. There is no negotiating with Islamofascists who demand death and violence against anyone who does not accept their warped world view. We must remain vigilant against this very brutal and very real threat. As I speak of the rising threat of Islamofascism and its role in the global war on terror, I must object to the unbelievable and outright deceptive speech of the President of Iran, Mahmoud Ahmadinejad. While we should be condemning such tyrannical leaders who preach hate and destruction, I was stunned that he was given the opportunity to address the United Nations, an organization whose resolutions he has repeatedly ignored.

It is how dysfunctional and dysfunctional the U.N. has become. He mentioned that justice was a victim of force and aggression, which it certainly was when he participated in the overthrow of the American embassy in Iran in 1979 and held American hostages for 44 days.

He spoke of ridding the world of nuclear, biological, and chemical weapons, yet he continually refuses to halt the production of enriched uranium in Iran. He wants to rid the world of aggression and strive for peace, even though he created a proxy war in Lebanon and continually funnels weapons to Hezbollah.

I was astonished when he spoke of dignity for all human beings and his longing for peace. These words are surprising to hear from a man who has prayed for the demise of America and constantly calls for Israel to be wiped off the map.

His biography reads like a horror novel, directing multiple assignments while he was in elite military units and working with Ansar-I Hizbullah, the violent Islamic vigilante group. His main goal is the destruction of Western Civilization.

That speech was a complete farce. He has shown his true agenda time after time, and one misleading speech at the United Nations will not fool America or the world. While we witnessed the Iranian dictator lecture us on freedom, democracy and justice, it is ironic that in his own country this tyrant denies his own people the basic rights of freedom of speech and freedom to assemble.

His speech focused on freedom, justice and dignity for human beings. But as the president, he has done nothing to bring any of his so-called goals to his own people. Women are denied rights of inheritance, divorce and child custody, and use of their rights of self-expression and economic creativity.

Basic rights are denied to the people of Iran, and that is why, even with the soaring prices of oil, more than 40 percent of the Iranians live below the poverty line. Today in Iran, dissent is brutally suppressed and terror is the regime’s only instrument of domestic or foreign policy.

While he may resent us for being powerful and quickly reminding the world that the foundation of our power is rooted in the freedom of our great people to pursue happiness, to innovate and to speak freely.

This tyrant accuses the free world that this denying the people of the right to nuclear energy. Yet he forgets that the Islamic regime is denying the great people of Iran their God-given rights to self-respect and human dignity. He spoke of universal justice, yet he denies the existence of the Holocaust.

This regime wrongfully portrays the war on terror as a war of civilizations. Yet, he uses every opportunity to export its brutal ideology violently to other nations. We are not at war with Islam, we are at war with terrorists and terrorrists’ warped interpretation of religion.

We need to protect the civilized world from the threat that these people present. Mr. Speaker, we suffered a setback on the war on terrorism by allowing this terrorist a podium from which to address the world.

And, again, I think that it is our place here in the United States Congress to remind the world of who is the country that represents true freedom, true democracy, true opportunity for people, and to continue to bring this message to people and speak the truth, instead of allowing people like that to come to this country and live in a fantasy world that they live in.

Again, I want to thank my colleagues for being here tonight, and for the other times that they have been here to bring this message to the country and to the one who is watching us. I want to turn the time back over to my colleague, Mr. WAMP from Tennessee.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman for her service and for her message tonight on this global threat.

Before I yield to the gentleman from Michigan, let me just remind everyone here in the House of Representatives and anyone who may be watching our proceedings tonight, Mr. Speaker, that you and I come from a country you believe, or even you may get filtered to you through the national media, this war is with fanatics called the jihadists, who, by their own charter and their own doctrine, want to re-establish a caliphate for themselves and their rule that extends from north and west Africa all of the way east, basically, to the Far East, through Indonesia, above Australia.

And I say that because those are the words that were in the letter that Zarqawi wrote to Zawahari before we killed Zarqawi. The top al Qaeda leaders, in their own communication with each other, said, use the infidels, the U.S., that is what they call us, presence in Iraq to recruit insurgents and other terrorists to try to extend this caliphate, reestablish the caliphate for radical Arab rule. So this is an aggressive plan.

As I left Iraq tomorrow, the terrorists would not only win, but it would advance their cause. And it is spreading. This is a real threat, and it did not just start on September 11. That was one more attack. It happened to be the largest. But it was not the first on American soil or American sovereignty.

They tried to bring the World Trade Center down in 1993, and their engineering did not work. We did not pay enough attention to it. But they had hit our embassies, which is sovereign U.S. land in other countries, time and time again, the same people.

It all started, Mr. Speaker, in 1979 in Iran, the sponsor of Hezbollah, which has镜子 exported to the heart of Europe, handily stolen the government of Lebanon from the Lebanese people and engaged in war with Israel, and elected terrorist leadership in Palestine called Hamas. And these terror networks are coordinating and spreading and the threats calculations in the future will be at stake if men and women do not stand in harm’s way on our behalf.

And you may say, well, that is over there on the other side of the ocean. But I will tell you when Hugo Chavez comes here and says what he said yesterday, and he is coordinating and communicating with these terrorist leaders from other countries, and identifying himself with them, standing with them, wanting to be on their team, and he is in our hemisphere, and through his oil he is trying to bribe and own other South American countries by lending them oil so they will be obligated to him, and he has a huge sense of reality, and comes here and says these ridiculous crazy things like he said yesterday, we have threats.

That brings us to the southern border. Because I will tell you, our security in this country is critically attacked by our ability to keep people that we do not want in this country from coming across the most porous place, and that is our southern border. I want to talk about that again in a moment, but right now I want to yield to the gentleman from Michigan and have people from one side of the spectrum to the other here in this House look at as one of the most knowledgeable, intellectual, thoughtful, tough Members of the House, TRADDEUS MCCOTTER from Michigan. I am so honored he came to the floor tonight to stand with me and go through this Special Order. The gentleman from Michigan.

Mr. McCOTTER. Mr. Speaker, I thank the gentleman. For a moment there I thought you were introducing someone else. But I appreciate the compliment, however misguided it may be. We in America are so seemingly secure in our rights, our liberties, our
God-given constitutionally recognized rights, that we too often cursorily scan our Nation’s foundational truths which secure those liberties.

We also as a young Nation far too often have a disdain for history, because since our inception, our eyes always had to turn towards the expansion of our Nation and the expansion of liberty to our fellow Americans. We also, because of the size of our country and its vast beauty, tend to overlook world geography and the relative situation of other nations to each other.

We cannot do that any longer. We cannot ignore the mistakes of past history. We cannot ignore the realities of geography. And we cannot ever endeavor to forget our own history. As the gentleman pointed out, we call each other in this house “honorable,” and rightly so. For we are all people who have been elected to serve our fellow Americans.

And he rightly pointed out the remarks of the gentleman, the distinguished and honorable gentleman from New York (Mr. RANGEL). He could not have pointed to a finer example. Because Mr. RANGEL not only serves his Nation in this Chamber; Mr. RANGEL also is a decorated veteran who served his Nation in a foreign war.

I bring up history to Mr. RANGEL because like the gentleman from Tennessee and the gentlewoman from North Carolina, to Mr. RANGEL history has a way of revealing the elemental truths of a Nation to itself however unwilling we may be at the time to recognize them, for the very same Mr. RANGEL who defended our Nation abroad, had ancestors in this country who were enslaved by the government and the people of this Nation.

The gentleman from Tennessee and the gentlewoman from North Carolina and myself doubtless had relatives in the United States at the time of the Civil War who were free who endeavored to kill each other.

Yet because of the foundational truths of this Nation, we stand here today recognizing each other as honorable and joined in the peaceful resolution of our political disputes, because where there is liberty, there is a chance to transcend history to a better tomorrow. In our Nation’s history, we have always done so.

When we look abroad, we can go back to the past of that great conflagration that emancipated a race and forged a more perfect Union, to what we are trying to do now. For it is by remembering that in the age of industrialization America could not endure half slave and half free that we realize in an age of globalization our world cannot endure half slave and half free.

When we look at the conflict, the unsought struggle, for which we find ourselves against Jihadist fascism, which is more akin to a death cult than any governing political philosophy, we can trace the strain of our own trials and tribulations to ensure more perfect liberty to ourselves and to the efforts that young men and women of our military and our State Department and others are trying to expand throughout the world, because we know that America’s security rests in the promotion of liberty.

We face an enemy that seeks to enslave the globe under its warped worship of death. If we fail in the task before us, our history will show that we allowed the newly emancipated people of Afghanistan, the newly emancipated people of Afghanistan, to be thrown to the wolves at their door, and allow Iraq to evolve back into a state sponsor of terror, if we allow the Taliban and its bloodthirsty ilk to again rule Afghanistan and turn female parliamentarians back into property, slavery will have consumed them, and our liberty will be imperiled.

When we look at the efforts of Ahmadinejad and Chavez, we see a common union between oppressors. We see that the Iranian President would seek to impose the oppression that he puts upon his own people, and his common link with the Venezuelan oppressor or of Hugo Chavez would be the same, if at this point in time to see Mr. Chavez is nothing but a third-rate Castro clone, but he is not, because while Mr. Chavez may seem to us to be a bit of a caricature, he is actually a very cunning individual, as is the President of Iran.

The President of Iran, I believe, has a very good grasp of geography. The President of Iran understands that while we have helped to expand liberty on the frontiers of Iran in places such as Afghanistan and Iraq, which have put nascent democracies on his doorstep, he needs only to look to South America to see the conditions of poverty and oppression that are rife within that country and pay upon them by joining league not with duly elected democratic governments that are out to better the quality of lives of their people, but he joins hands with Hugo Chavez to attack the President of the United States, to attack the United States of America, to distract both their citizens, citizens of both countries, from the reality that it is they who are oppressing them, not the United States, who is emancipating them.

If we look at our southern border and the absence of security, the comity between Mr. Ahmadinejad and Mr. Chavez is clear, and the danger to our security becomes clear. If we have, as some reports lead us to believe, indications of Jihadist fascism in South America, in Mexico, in other places, that are willing to cross the border, or joining with gangs to cross the border, it is painfully obvious to see that what the President of Iran will do is export his tyranny through our own people. It is part of that attempt that the person of Mr. Chavez, with the assistance of the Cuban dictator Fidel Castro, and try to utilize our lax and porous southern border to help these individuals infiltrate the United States.

You see, we may not know geography, we may not learn the lessons of history of how dictators band together to take free people by surprise, devoid of our own knowledge of our own responsibilities to each other and to our fellow citizens, but our enemies are not. Our enemies believe our strengths are our weaknesses. It is up to us to prove them wrong.

For as every generation of Americans before us, when faced with a challenge to their own liberty and security, have met that challenge directly, they have defeated it, and they have expanded liberty to their fellow human beings abroad.

I have no doubt we will continue to do the same, because as Americans it has been our tradition, and it is our duty, and we have never shirked from our duty as a free people.

Mr. WAMP. I thank the gentleman so much for his articulation of these problems and the potential threats. Clearly one on a sphere of curious problem for us because of these relationships. If you don’t think it’s a global problem, you should follow what has happened in East and North Africa just in recent weeks where, in Somalia, one of the top al Qaeda members on our watch list is put in charge of the Government of Somalia.

The Sudan is a meltdown, there is a vacuum; Algeria, much the same. Just last week, for the first time, our country established a U.S. military command in northern Africa. Why? Because there is a vacuum in leadership. What interests do the terrorist networks have in a vacuum of leadership? That is what they had in Afghanistan. The Taliban took over Afghanistan because there was no leadership, and it gave them a sovereign nation from which to operate.

Frankly, one of the elemental factors in our decision to vote to remove Saddam Hussein by force was to make sure that in the heart of the Middle East we didn’t give them another sovereign nation from which to operate, and we sure don’t want to let them come into one of these areas in northern Africa and take over a country like they did Afghanistan.

You know, it was a crafty way that Hezbollah took control in Lebanon. Go and take some money backed by Iran, money and oil revenues, and basically put people to work, make them obligated to you. Frankly, it is the same kind of thing that Castro did years ago with communism in Central and South America. They found an area to attack free people, and we must not lose sight of the need, make friends with them, and then put them to work for your way of thinking, dictatorial; speaking of imperialism, repressing all human rights. You know, I tell you what, I daresay that people in Venezuela don’t have the right to live in peace and security, here in just the most blatant way. These threats are real. No one, no one likes war.
John Stuart Mill said this: War is an ugly thing, but it is not the ugliest of things. He said the decayed and degraded state of patriotic feeling which thinks that nothing is worth war is much worse. He said a person who has nothing for which they are willing to fight, who believes that those far more noble and important than their own personal safety, is a miserable creature, who has no chance of ever being free, unless those very freedoms are made and kept by better persons than himself, end quote.

There are the men and women in uniform of our Armed Forces, who every single one volunteered to serve our country; whether in the Guard, Reserve or Active Duty, every single one of them volunteered to stand in harm's way on our behalf.

The President of the United States believes deep in his soul that this mission must be carried out and completed, and I agree with him. It is so important, especially right now, with all our focus on the world, and all of these people jockeying for legitimacy and position, that we are not in retreat, that we follow through on our commitments, that we don't leave the people of the Middle East wondering if America is a sudden phenomenon, that the first time in 230 years, lost our heart, lost our backbone, our resolve.

We can't afford to fail in Iraq. No matter how you voted, or no matter how many mistakes have been made, or no matter how much retreat we have had to do, we cannot afford to fail. We can't afford to retreat. We can't afford to leave early. There is a lot at stake. The enemy is real. The enemy is all over the place.

I am a member of the Homeland Security Appropriations Subcommittee, have been since we established the Department of Homeland Security. Some things I can say, some things I can't say. There are a lot of people in this country we don't want here, because we also have millions of people along the Mexican-U.S. border, because there are 5,500 miles along the Canadian-U.S. border, because there are 12,000 miles of U.S. coastline, because there are 328 million people that come across our land border crossings each year, because there are 71 million people that come in through our international airports from all over the world. There are 157 land ports of entry.

We have a lot of people coming and going from this country, and now there are a lot of people in this country that, the truth is, we don't want them here; that because we are a free country and they haven't yet done anything wrong here, we don't remove them. We don't fine them up and ship them out until they do something wrong. But I have got to tell you, we are watching them, because the threats are real.

Hezbollah is the A team in terrorism. They are the source of this conflict between the Lebanese, well, actually, between Hezbollah and Israel in Lebanon, because they pirated the country from the Lebanese, not their fault. That was a huge conflict 2 months ago. Thankfully they are not warring today, but that is Iran-based, started next door to Israel, still the source of the terrorist insurgents into Iraq.

These threats are real, they are global, and you have to watch our own southern border.

Let me continue on the southern border. There is a lot of talk about immigration reform, and we need to continue to carry it out. But I will tell you, the gentleman who is want to see that southern border that I mentioned was 2,000 miles long secure. But one thing that we haven't had much help in is the word getting out of what has happened, because I want to tell you, as a member of that subcommittee, what has happened in the last 12 months, because there has been a serious effort under way to secure the southern border in the last 12 months.

Last week our chairman, Hal Rogers from Kentucky, gave testimony to our entire Congress, and I attended it, that is really compelling. One of the most important things that the Department of Homeland Security has done is they ended the policy that had evolved from 20 years back that was known as catch and release, and they have replaced it with a new policy called catch and return.

Now, catch and release said that if you were an illegal immigrant coming across our southern border, and you were apprehended, you would be arrested for a misdemeanor charge of illegally entering the United States, and you would be released on your open court date, and people obviously would not come to court. So thereby people would gain into our country, and disappear into our country, and I would probably get a bogus Social Security card so that they could be hired by somebody, and that would constitute the 12 million illegals that we have to deal with.

We stopped that policy. In the last 60 days, 99 percent of aliens apprehended along the southwest and northern borders are detained and removed from this country. So catch and release was replaced by catch and remove. A year ago, it was 34 percent were sent back to their country of origin. Today it is 99 percent, a huge change in the culture.

Now, let me tell you what that act says, and the gentleman in the chair may know this, but it is because of his background. It acts as a deterrent. What you want in law enforcement is not a perfect system that catches every single person every single time; you want a deterrent that is raised a level at which it keeps things from happening because most of the people get caught.

This is an effective deterrent, because word has spread back through Central and South America that if you go to all the hassle of getting to the southern border, and then somehow you get across, I am going to tell you in a minute that is not as easy as it used to be either, and you get caught, you will not be released into the United States of America. You will be held and sent back to your country of origin. Once that word spreads, a whole lot less people come because they don't want to go to the hassle and the risk of dying or being injured or whatever, and then not be released into our country.

But it was so easy for so long that it happened so often, and we ended up with 12 million. As a matter of fact, in July of this year alone, our Border Patrol apprehended 66,000 illegal aliens along the Mexican border, a staggering number in 1 month, 66,000 illegal aliens.

But, guess what? That was 31,000 fewer than the previous year in the same month. Word is getting out: you can't afford to stay; don't come here illegally.

Yet we are going to come up with, I believe before the end of this year, not only strengthened border security in a meaningful way, which is well under way with 6,000 National Guard troops, $21.2 billion has been spent on the southern border in the last 12 months. $21.2 billion, on everything from agents to detention beds.

We now have 13,000 agents and 4,000 new detention beds. 1,500 new Border Patrol agents, for over 13,000 agents and 6,000 Guardsmen. That is 18,000 people on the southern border, catching these people by the minute and sending them home and getting the word out: you are not going to be released into this country. It is an effective deterrent. Things are changing.

But I do believe by the end of the year we are not only going to have additional legislation to continue the fence, sometimes it is visible, sometimes it is not because you can have a protective barrier by using the latest in technology depending on the frequency of people coming, but we are also going to believe, going with some kind of a guest worker plan, so that the work gets done in agriculture, in construction, that needs to be done; but everybody is going to know.

You have got to identify yourself and have a real card, biometrically certified, that this is you. Employers are going to have a period of time to comply, or there will be serious enforcement. I believe we are going to deliver this whole thing by the end of the year. But the border is much more secure than it was a year ago. Tremendous progress has been made.

More Members have come to join me. When the gentleman from Texas is ready, I want to yield time to him, because few people have the experience that he has, both in the law and being from the State of Texas on this particular issue of border security.

Let me also say that the Department of Homeland Security is going to roll this out in 5,500 miles along the multi billion dollar border security technology and tactical infrastructure program called SBI Net, a program that is
committed to obtaining control of the borders within the next 5 years.

What they are doing now in the Science and Technology Directorate at the Department of Homeland Security under the incredibly capable leadership of Admiral Cohen is deploying finally all the abundant technology that we have. Even Thomas Friedman, who wrote "The World is Flat," has had to amend his book to say. I overlooked a lot of technology that exists in this country.

We are now taking that technology to the border to put it to use through the Department of Homeland Security to secure the border and biometrically certify people.

Now, we don’t want a national ID card, but we want people who are coming here to work to have a card that shows that is them. I believe that is going to be part of this more comprehensive solution. I don’t want to even use the word “comprehensive solution” because the Senate passed a bill earlier this year that they called comprehensive immigration reform that is going to cause many, many, many more problems than it is going to solve.

So we don’t want to be associated with that comprehensive approach. We want to say that we want a guest worker plan with border security and get it done, and we are getting it done.

Mr. Speaker, at this time I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman. I appreciate the time, and I appreciate your calling attention to so many of these important issues. We have heard today that there is an agreement between the White House and the Senate on the issue of interrogation.

It has amazed me, Mr. Speaker, that so many people that work here in the Capitol, most of them down at the other end, have not understood what really goes on. You would have thought, especially someone who had been a POW, would understand what people like my hero, former POW Sam Johnson, understands, that, as he has pointed out to me, Korea signed on to the Geneva Convention, Vietnam signed on to the Geneva Convention, they did not observe it at all. Yet we had people in this Capitol saying, gee, we have got to be careful because we might cause mistreatment of our troops.

All you got to do is look around, look at the news, read the news. Our troops have been, are being, mistreated. When you stick a knife and cut the guy you’ve got to be careful because it might cause mistreatment of our troops.

I spent 4 years in the Army, and I can tell you having visited troops around different people in the country, we have the best fighting forces, men and women, ever in our history; and they deserve better treatment than they have been getting. Oh, yes, we hear, oh, we support our troops, and in the breath turn around and lambaste them.

So if it would be permissible, I would like to pay tribute to one more. I did this last night, a man that won the Congressional Medal of Honor for his bravery and heroism. I would like to pay tribute right now to another gentleman. I have been asking for information on people that won our Nation’s highest awards, to pay tribute, as a contrast to what some of our friends across the aisle have been saying. It is time to stop lambasting and criticizing so unfairly our troops.

Tonight, I would like to recognize another true American hero. On October 28, 2004, Dallas native Captain Joshua Glover was presented this Nation’s third highest award for valor in combat, the Silver Star Medal.

The 2001 Naval Academy graduate received his award in Washington, D.C., from the commandant of the Marine Corps, General Michael Hagee.

Glover received the award for conspicuous gallantry and intrepidity in action against the enemy while serving as a Marine company commander with Weapons Company and quick reaction force platoon commander, 1st Marine Battalion, 5th Marine Regiment, 1st Marine Division, in support of Operation Iraqi Freedom on April 13, 2004, in Fallujah.

That morning, First Lieutenant Josh Glover led and directed his platoon through enemy lines to recover classified material from a downed CH-53 helicopeter. As they moved out, they started receiving incoming fire, including a mortar fire explosion that created three casualties.

With wounded marines, Glover got permission to return to base. On the way back, the convoy ran into between 30 and 40 insurgents hiding in reeds, irrigation ditches and standing by the road firing from the hip. As they plowed on, one of the Humvees was hit, wounding several more marines, which also included mine fatality.

Running on flat tires, the convoy made its way back to base, only to be sent out again 7 hours later. Despite losing one of their own that morning, Lieutenant Glover’s marines were ready and waiting under his command.

About 15 marines were trapped behind enemy lines after insurgents hit their amphibious vehicle with several rocket-propelled grenades, killing one marine and wounding two others. Under heavy insurgent fire, a rocket-propelled grenade, or an RPG, was shot at Glover’s vehicle at close-range and thankfully missed.

Glover received the nation’s highest award for valor in combat, the Silver Star Medal. He repeatedly exposed himself to enemy fire as he engaged enemy targets at point-blank range while directing the rifle platoon along the enemy main line of resistance where as stated in the Silver Star citation: “He repeatedly exposed himself to enemy fire as he engaged enemy targets at point-blank range while directing the rifle platoon along the enemy main line of resistance and coordinating recovery operations.”

Ultimately, Lieutenant Glover and his marines fought their way through to the marines trapped and were able to get them and the slain marine’s body out.

When asked about the war, Lieutenant Glover humbly diverted attention away from himself and said, “I received this award because of something we did as a platoon. I am really proud of what we accomplished that day.”

He said, “When you are in combat, I think you do it for your fellow marines. You know you got 60 reasons why you have got to do it well.”

While the battle for which Glover was awarded was lost, he feels the enormity of the price that was paid. “I lost a marine that day, as did another unit in the battalion. We cannot separate the victory from the loss, and I think we need to do our best to make them and their families proud.

In addition to the Silver Star, Captain Glover has also received two Purple Hearts, a Navy Achievement Medal and a Navy Commendation Medal, both with combat distinguishing device for valor. He served three tours in Iraq.

Mr. Speaker, it is an honor to stand here tonight and share this story of heroism, bravery and humility. Josh Glover, like so many others fighting alongside him, represent the best of the best. That is the kind of story America needs to hear, not predetermined judgment of our fine troops. They deserve our support, not just in lip service that, oh yes, we support the troops, but are they ever a bunch of cold-blooded killers. That is not support. That is both condemnation and hypocrisy.

So it is an honor to stand here with my colleagues, Mr. Speaker, and pay tribute to our troops. They are not only protecting freedom, they are spreading freedom, and we ought to thank God for them, as we do, and thank God for our freedom, thank God for our liberty, and thank God for the opportunity all of us have to serve.

Mr. WAMP, I thank the gentleman from Texas. I want it to go again to the gentleman from Michigan

Mr. MCCOTTER. Mr. Speaker, I know our time is short. I thank the gentleman.

I wish to emphasize why, as the gentleman from Texas pointed out, our border security efforts to date have been a good step, but they must be increased.

History shows us that once before an enemy of the United States, the communist Soviet Union and its Bolshhevik dictators, joined league with the communist Castro on the island of Cuba to plant nuclear weapons 70 miles off the United States shores.
Mr. MEEK. I thank the gentleman, and in closing, let me say this. I am not the most partisan person here at all. As a matter of fact, I don’t think either side is exclusive on integrity or ideas. I grew up a Democrat, and now I’m a Republican.

Argue with us about the role of the Federal Government in education and whether it is best at the local level, the State level or Federal level. Argue with us whether the health care system should be turned over to the government or private.

But don’t argue with us whether we are fighting the threats of global jihadism and whether we unite anywhere at the water’s edge in defense of liberty. Don’t argue with us on that. Join us. Be patriotic and honor the sacrifice and the legacy of the Greatest Generation.

THE NEW DIRECTION FOR AMERICA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I would like to thank the Democratic leadership for allowing us to have this hour, the 30-something Working Group. We come to the floor for the second time tonight to share the new direction for America.

There is great reason to promote a new direction for America, especially as it relates to our actions near the U.S. House of Representatives.

I don’t want to take any great deal of responsibility for what is said or what is done in the White House, because I am a Member of Congress, and Article I, section 1 authorizes us to take legislative action. Also within our rules and the spirit of our rules is to have a level of oversight and investigative powers here in the House.

There are a number of things that are taking place in our country that have been pushed forth or have been rubber-stamped by this House out of the administration that should not be, and we want to make sure as we start talking about our new direction for America, especially on the Democratic side of the aisle, that if we are in control we are reasoning in a bipartisan way, making sure that Republicans who do want to be a part of this new direction can definitely participate in that process if it is within the spirit of making sure that we have real security for the United States as it relates to implementing the 9/11 Commission recommendations.

Also, making sure that we have better pay for jobs that American workers carry out day in and day out. The minimum wage has not been increased through this Congress and through the White House since 1997. It is very unfair when some Members on the other side of the aisle that are willing to vote for pay increases to Members of Congress, including Senators, but not pay increases or a minimum wage increase for the American people.

Making sure that we deal with the cost on the college tuition that has been brought about through this rubber-stamp Republican majority. We are willing to reverse that and make sure that we give tax deductions to those that want to educate themselves and those family members who want to assist in that process, making sure that we expand Pell Grants. A lot of promises were made right up here at this podium just below your podium there, Mr. Speaker, the President made as it relates to the expansion of Pell Grants, and that has not happened. It has decreased in many ways.

Energy independence. It is important that we do this. Just today I was watching the evening news talk about how some billionaires in other parts of the world and here have invested in an initiative of the Clinton Foundation as it relates to making us energy independent.

Some $10 billion of the president and CEO of Virgin Airlines has put in over the next 4 or 5 years to make sure we are open for alternative fuels. These are private citizens that are now stepping up to try to look for alternative fuels because they have seen what it has done to the United States of America.

Since the Congress does not want to rein in big oil companies and wants to have a special relationship with big oil companies where they receive more subsidies than they will ever receive in the history of the Republic, and also higher profits and the highest profits on the planet. And in fact, in the history of the world, leave alone the United States of America, and still there is no legislation that is really promoting alternative fuels through this House.

We are dedicated and committed to making sure that not only the research, but making sure the access for E85, using coal and other alternative fuel initiatives, to make sure that we invest in the Midwest versus the Middle East. And what is happening right now, the Republican Congress is voting to invest in the Middle East versus the Midwest.

We need to make sure that health care is affordable for every American. I think that is very, very important. Some people may say, well, Congressman, you are talking about individuals. We are not talking about individuals. We are talking about small business having an opportunity to provide health care for their employees. We are talking about companies as big as Ford having a plan to lay off or a plan to have early retirement for many of their employees, mainly because health care costs are making big companies here in the U.S. and small companies as they go to provide opportunities for their workers.

And looking at the issue of balancing the budget, I think that is very, very important, as relating to this out-of-control spending and borrowing. The Republican majority has borrowed more money from foreign nations in 4 years than in the history of this country. No other time, 224 years prior to this Republican administration that we have now and the rubber-stamp Republican majority that we have here in the House, no other time in the history of the country, this is not our numbers, these are the numbers of the U.S. Department of Treasury, that we see that kind of activity taking place.

We are the only party. Mr. Speaker, I must add here, in this House that has actually balanced the budget. Other people can talk about it. We have actually done it. If there was a job interview, and the Republican Conference versus Democratic Caucus and individuals talk about balancing the budget, the qualifications are clear that here on this side of the aisle, without one Republican vote, I do not like to say that, but without one Republican vote, that we balanced the budget. It is what it is. It is history, and it could be the future as it relates to this House if allowed to lead this House by the American people.

Also, when we look at the Social Security, we talked about this in our last hour. There are a number of Republicans and also the President has just said if he gets the kind of rubber-stamp Congress he has right now, he is going to continue to celebrate in moving towards the area of privatization, privatizing Social Security. That is not what I am saying. That is what the President has said. So I think it is important for people to understand that.

On this side of the aisle, there was about 1,000 town hall meetings that took place in districts throughout the
country, and we went to other parts of this country to have town hall meetings where other Members would not have town hall meetings on this issue, along with a coalition of a number of groups that were out there that were concerned about Social Security not only for seniors, but also making sure that we have survivor benefits for those that have passed. They had paid into Social Security so that their family members would be able to educate themselves and those individuals that were on the job and all of the sudden were injured on the job, regardless of what the benefits of the job, Social Security was there to give a little bit towards making their lives somewhat livable.

And through the privatization scheme that Republican majority, rubber stamp, along with the President of the United States, who flew all around the country and tried to sell, and the American people still said no, taking us through that process all over again versus trying to balance the budget and go back to the years when the Democrats were in control. We actually balanced the budget, and we saw surpluses as far as the eye can see and a healthy future for the Social Security Trust Fund. That is not Democratic talk. That is American talk. And guess what? It is action, and it was action.

What we are hearing now is a lot of we want to cut it in half, we think we are going to cut the budget in half, we believe that we are going to do the better job versus the other person. I mean, you can talk about the issues.

You want to talk about border security, Mr. Speaker, Republican majority, we can talk about it. They said the American people are fed up. Well, how did they get fed up? And how do we get to the point that they got up to 80 or 90 percent of some of the things I heard here on this floor today; how did they get there?

If some members of the Republican majority come and say, well, it is the Democrats' fault. We are in the minority. We do not have the power to bring legislation to the floor, to be able to have real border security, because if we had the power, Mr. Speaker, when the 9/11 Commission report and recommendations were sent to this House and to this Congress and to this White House, we would have 6,000-plus more border agents right now on the border. We want a strategy. Maybe we would save $230 million that was wasted in monitoring the border in cost overruns and scandals that the inspector general, Department of Homeland Security, has identified. I am talking intelligence. Maybe we would save $230 million that was wasted in monitoring the border in cost overruns and scandals that the inspector general, Department of Homeland Security, has identified. I am talking intelligence. Maybe the new plan that has just been released to a U.S. company for $2.5 billion would have the oversight that they have and also have agents that can respond to monitoring our borders. I mean, it baffled me that we do not have a position for law enforcement on the border.

Meanwhile, the Republican Congress wants to do everything that they have
done thus far and passing responsibility and unfunded mandates to the State and also to local parishes and counties and cities to say that, oh, yeah, we will give you the authority to carry out our function. Meanwhile, while the police officer and the first responders say that I was once a upon a time in life as a State trooper. Goodness, we had enough to deal with not only enforcing the laws of the State of Florida and local ordinances there, but at the same time, we had some 400 border agents because the Republican Congress decided to shortchange me, but allow these big companies to run away with the lack of oversight.

The headlines of the Department of Homeland Security is not today, Mr. Speaker, about how secure in America. It is about how someone ran off with a contract, how we overspent as it relates to Katrina contracts, how we continue to have overspending and lack of accountability and Mr. Speaker, the lack of oversight.

All of these things, the cost overruns, I went over to the Department of Defense. There is a lot of stuff over there, but I am saying cost overruns and the lack of oversight as it relates to the Department of Homeland Security, and I am a member of the committee, trying to bring about change, but guess what? I am in the minority. The only thing I can change here is that the Members, I am almost done, Mr. Speaker, I encourage the Republican majority to see the light, like the 9/11 Commission and first responders throughout this country have seen the light and survivors of 9/11 families have seen the light, of saying just do what we have laid out, the work product from the 9/11 Commission.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, this is what it comes down to here. Is the war in Iraq costs, okay? So when you are talking about homeland security, whether it is the cargo or whether it is the planes, whether it is the first responders, whether it is the kind of technology that we need, all of these other issues, here are the costs, Mr. Speaker: $8.4 billion per month we are spending in Iraq; $1.9 billion per week in Iraq; $275 million per day; and $11.5 million per hour.

So when you are looking at what we need to spend on and what the costs are there, whether you are a Democrat or you are a Republican, Mr. Speaker, we can agree that this money that has been spent to the tune of $400 billion, and when you look at the projection for war spending in Iraq over the next few years, when you look at what we are going to spend and you look at the situation that we are in while we are in Iraq right now, we are in the middle of a civil war. So we are basically dumping good money after bad, getting misinformation from the administration.

No one needs to be interested in the growing cost in Iraq in billions of dollars, and we see in the blue over there about $318 billion, getting close to $400 billion. And you look at the projection out into the future, talking about $500- or $600 billion, getting close to $1 trillion we are going to spend in Iraq, Mr. Speaker.

When you look at the cuts that are going on here at home, when you look back at the middle class, when you look at the middle class, we can all say that what value are we getting from this investment into Iraq, which are in the middle of a civil war? We have ethnic groups fighting with each other, with the United States and with each other. We have terrorists going up. The number of incidents in regards to American soldiers and international forces and Iraqi troops there, all going up.

This is not getting better, it is getting worse, and we have some 84 or 85 former members of the national security saying that we are losing the war in Iraq. We are certainly not winning it. It is time for us to reevaluate, and I think Mr. MEEK and myself and Mr. MARRERO and the members of the Armed Services Committee are saying let us have some oversight. Let us have real hearings, because how can you have the Secretary of Defense, who is in charge of this whole operation, still be in place, failure after failure, bad intelligence, bad information, lack of a plan, and at the end of the day, you may be able to accept all that, but 2 weeks ago, about a week and a half, 2 weeks ago, when it all came out that the Secretary of Defense was quoted as saying that he would fire, Mr. Speaker, the next person who asked him when are we going to come up with a postwar plan, when are we going to come up with a postwar plan. And one of the main provisions for going to war is how are we going to get in, what is the strategy, and the most important question, how are we going to get out.

This Secretary of Defense said he does not have a plan to get out, and the provision that asks him in his inner circle about having a plan, they are going to be fired. Now, that is not leadership.

Then we get caught in these situations, and we have, it is like if something is going wrong, we have to get a new banner we put out and a new slogan that we put out, and mission accomplished. That is unfair to the American people. □ 1930

Because the lack of oversight, the lack of review, the lack of account. And it is amazing to see how poorly this has been executed and no one has been held accountable. Nobody has been held accountable at.

And so we call upon the Republican Congress to execute their constitutional obligations, Article I, section 1 of the Constitution that creates this body we think needs to provide the kind of oversight. And it is not a coincidence that this body that created this body to have run. You have to run. You have to be directly elected to this body. If something happens to a Senator, they
Here is an article right here: “Social Security Battle.” The President is quoted here saying: “If I get a Republican Congress,” okay, “I am going to rekindle the fight to privatize Social Security.” He says it right here. I go into a Home Depot and pick this up. He says it right here. And I think, Mr. Speaker, that it is important that we identify those issues and that we bring it to the floor and we also share the American people.

I guarantee you, there is not one Member of the Republican conference that is going home that is having a town hall meeting, because very few took place, as it relates to the privatization of Social Security, since it was so unpopular. I guarantee you, while we all go back to our districts and ask our constituents for their vote and for their vote of confidence, that nowhere in campaign literature that may be printed are we saying, I support the President in privatizing Social Security.

Well, you know why that is not the case, Mr. Speaker? It is because it is so unpopular, because the only people that have a guaranteed benefit in a Social Security privatization plan is Wall Street, over $33 billion. I believe the GAO just came out with a report recently. And also I stand here, Mr. Speaker, I mean, we come to the floor and we also share with the American people. And also I stand here, Mr. Speaker? It is because it is so unpopular. I guarantee you, while we all go back to our districts and ask our constituents for their vote and for their vote of confidence, that nowhere in campaign literature that may be printed are we saying, I support the President in privatizing Social Security.

You have got to run; you have got to resign, they pass away, a Governor can get elected. And those Members in their right now. And those Members in their district. And also I stand here, Mr. Speaker. He says it right here. I guarantee you, while we all go back to our districts and ask our constituents for their vote and for their vote of confidence, that nowhere in campaign literature that may be printed are we saying, I support the President in privatizing Social Security. And I think the GAO just came out with a report recently. And also I stand here, Mr. Speaker, I mean, we come to the floor and we also share with the American people. And also I stand here, Mr. Speaker? It is because it is so unpopular. I guarantee you, while we all go back to our districts and ask our constituents for their vote and for their vote of confidence, that nowhere in campaign literature that may be printed are we saying, I support the President in privatizing Social Security.

So when we start talking about privatizing Social Security, there were going to be some very, very special interest folk that for Medicare thought that they were going to be able to bank in on the sweat and sacrifice of American workers and taking that Social Security benefit and put it into some public stock. Democrats and President, to say that, oh, we are going to let everyone have their own students. And they really went after young people.

And I want to commend a number of people that need to be: Rock the Vote, and different coalitions that were out there that worked so very, very hard. And the 30-something Working Group, Mr. Speaker, we came to this floor night after night and day after day commending those that we as we moved down the line. The AARP and a number of other groups were out there against this. And, now, for the President, after being defeated by the American people acting by the Democratic majority, I must add, here in this House, by defeating the Republican majority that was willing to walk in lock step and rubber-stamping what this Republican President, and regardless if it is a Republican President, and regardless if it is a Republican President, or Democratic President, there is something fundamentally wrong when you have a President that can say yes in the Oval Office. And that the U.S. Congress, forget about Article I, section 1 of the U.S. Constitution, forget about Article I, section 1 of the U.S. Constitution, forget about Article I, section 1 of the U.S. Constitution. The President can say, yeah, we can do it. Just like Vice President Cheney and his aides had the conversation with Big Oil executives in the White House who cut a deal on energy in 2001, gave them a head nod there in the White House, and then came to Capitol Hill and got exactly what they wanted that then turned around in record-breaking profits, oil companies. Here it is right here, Mr. Speaker. He says it right here. And I think that the President will come to the floor to carry out business on behalf of the American people. We don't come here, somebody hand us a sheet and say you start reading this, this is what we want you to read. But in these, if something happens in the White House, I know I have my article here somewhere, and I will pick up the article on the back end of this chart. It happens in 2001. In 2002, $34 billion in profits for Big Oil companies. In 2003, $30 billion. In 2004, $84 billion in profits. Record-breaking. 2005, $113 billion in profits, and climbing, Mr. Speaker.
Profits, Mr. Ryan and I always say, is not a dirty word. But let me tell you what makes it disgraceful, dirty and unclean, if I can double describe things here, is the fact that the American people at the same time these profits were taking place were paying through the nose. You are paying at the Department stores, you are paying at the grocery store and you are paying at the pump, you are paying through the nose, for overpriced fuel and for overpriced gas here in the United States, need it be heating oil, and for overpriced fuel through the nose, for overpriced gas here in the United States, need it be heating oil, and for overpriced fuel through the nose. Meanwhile, these are our constituents that are paying through the nose. Meanwhile, these are our constituents that are paying through the nose. Meanwhile, these are our constituents that are paying through the nose. Meanwhile, these are our constituents that are paying through the nose. Meanwhile, these are our constituents that are paying through the nose.

Again, third-party validator, and I am going to yield over to Mr. Ryan here in a minute, is the fact that we have the White House documents. Here is a Washington Post story, 2005, November 16, front-page article. This is the kind of stuff you save, Mr. Speaker. You don’t need to read it and put it somewhere off to the side in the recycling bin and let it go. You keep this because you want to remind your colleagues on the other side of the aisle that you know exactly what they are doing to the American people.

"White House documents show that executives from Big Oil companies met with Vice President Cheney’s Energy Task Force in 2001," it goes back to the chart that I just identified here, "something long suspected by environmentalists repeated as recently last week by industry executives testifying before Congress."

"That is okay if the Congress doesn’t want to hold their feet to the fire and hold them in contempt, but folks thought they were going to jail. And these are our constituents that are paying through the nose. Meanwhile, we are letting them out the door."

The document obtained by The Washington Post identified officials from ExxonMobil Corp., also Shell Oil Company, BP of America met in the White House complex with Cheney aides who were developing national energy policy, parts of which became law, parts that are still being debated here in Congress.

Mr. Speaker, I rest my case. I don’t need to come up with any slick slogans. I don’t need to talk to anyone about what will sound good on the floor. I don’t need to do that. I can walk through this Halls of Congress with great confidence. I sleep well at night because I know we are here saying we are willing to put this country in a new direction, we are willing to deal with real energy-efficient ways of dealing with fuel and alternative fuels.

Last point, Mr. Ryan. This is what happens when you have a rubber-stamp Congress and special interests that reach right into the legislative process here, or the lack thereof. Here is ExxonMobil. I didn’t have opinion paying at the pump, you are paying through the nose, for overpriced fuel and for overpriced gas here in the United States, need it be heating oil, and for overpriced fuel through the nose.

You have the regular, special, super plus. You have got a couple of prices there. Here is the E-85 here. Here is the little sticker that is on the pump: “Cannot use your Mobil credit card.” I am even going to say, “Non-Mobil product.” Some might say, well, if we just put “cannot use your Mobil credit card” and leave that “non-Mobil product” off, okay, well, that is a little bit too unfair. But I think it is important as we look at this, if you can walk into a Mobil station and buy a bag of chips or a carton of cigarettes or 10 gallons of milk with your credit card, which you can do, then why can’t you buy E-85, an alternative fuel that is going to help us continue to invest in the Midwest versus the Middle East and help us towards energy independence? Mr. Ryan, of Ohio. I want to thank Mr. Meek.

There is no question about it, Mr. Meek. And whether you are dealing with the environment, whether you are dealing with the oil industry, the energy of the future, whatever you are talking about the pharmaceutical industry, you have got it. And I think Mr. Gingrich has said it best.

And we are joined with a guest here, a special guest for the 30-somethings. And I just want to share, Madam Leader, as I’m about to close up, even Newt Gingrich is saying, the third-party validator, Mr. Speaker, about lack of leadership here in the United States Congress.

He said, “When facing a crisis at home and abroad, it is important to have an informed independent legislative branch,” created by Article I, section 1 of the Constitution, “coming to grips with this reality and not sitting around waiting for Presidential leadership."

It is time for this body to step up and start leading. And with that I yield to our fearless leader, Ms. Pelosi from California.

Ms. Pelosi. I thank the gentleman for yielding. I thank you, Mr. Ryan of Ohio, Mr. Meek from Florida and Ms. Wasserman Schultz, the cochairs of our 30-something Working Group, for the boundless energy that you have expended, the tremendous intellect and the great commitment to a new direction and a better future.

Our 30-something Working Group has been an inspiration to Congress and invigoration to us all, and I join as a mother of 30-somethings, and in thanking you for what you have done.

It is appropriate that the 30-something Group is advocating advancing in a new direction because this new direction is absolutely essential for young people in our country. Our 30-somethings are committed to a better future for all Americans. So is our new direction, a new direction for all Americans, not just the privileged few.

We can begin with the tax code for ‘06, to make America safer. We will begin by passing the 9/11 Commission recommendations. We have just observed the fifth anniversary of 9/11. Here we are 5 years after 9/11. The Commission is giving the Federal Government Ds and Fs and incompletes for implementation of their recommendations. The first day of Congress we will pass the 9/11 Commission recommendations and move on.

We will make our economy fairer, and we will begin by passing the minimum wage. We can do it next week. The bill is in the hopper. To make our economy fair, we will raise the minimum wage, and certainly not have Congress have any increase in its salary until there is an increase and unless there is an increase in the minimum wage.

We can also remove the incentives for companies to send jobs overseas. Imagine taxpayers are giving incentives for companies to send jobs overseas. We will end that.

We will make colleges more affordable. It is important to broaden the opportunity for a college education, and we will begin by making college tuition tax deductible and cutting in half the interest on student loans. We will make health care more affordable, and we will begin by allowing the government to negotiate for lower prices for prescription drugs.

And we will promote stem cell research. That is better for a healthy America.

We will move towards energy independence that our colleagues were talking about here. We will begin by repealing the subsidies that have been given to big oil and big energy companies, and instead use that $18 billion for research in alternative energy resources.

Every day that we are here, we will work for a dignified retirement by preserving Social Security, protecting pensions and encouraging savings for America’s seniors. This we will do within the first 100 hours of a new Congress, given the opportunity. But we could do it now even before Congress leaves. Instead, we have a do-nothing, rubber-stamp Congress.

I see the rubber stamp here. Here we are just a few days from the end of the fiscal year, and this Congress has still not passed the budget for this fiscal year. How could it be, a week before the end of the fiscal year, and this do-nothing Congress has not even passed the budget?

In addition, we have a crying need in our country for comprehensive, bipartisan immigration reform. We certainly are not moving in any direction to make that possible.

The list goes on. We haven’t finished our appropriations bills. We shouldn’t leave here until we have an increase in the minimum wage.

But when we return, and hopefully with a verdict from the American people, we will get about the people’s business, the issues that are relevant to the lives of the American people, their jobs, their health care, their economic security, the health care for their families, the education of their children,
safe America, safe neighborhoods and a secure America with energy independence.

We will do all of this from the very first day with integrity. Our first rule that Members will vote on will be for integrity. It will set the tone. It is about the link between special interests and legislation so that we are here for the people's interest instead. With civility, with bipartisan administration of the House so that every voice in the country is heard, not only the voices of the people but the will of the American people.

All of this is possible because of the energy and enthusiasm of our 30-something things, Mr. Ryan, Mr. Meek, and Ms. Debbie Wasserman Schultz, and all of the other 30-something members who have participated this year on the floor of the House and throughout the country to talk about a new direction.

The American people are an optimistic, confident, hopeful lot, and we build on that spirit, American spirit, as we go forward. If you talk about optimism about a better future. We owe it to our troops who work to protect us. We owe it to our founders and the vision they had for America, and we owe it to our children.

With that, I yield back with all of the compliments in the world to these two distinguished gentlemen for bringing the idea of a rubber-stamp Congress to the floor here. It is a fact of life on the floor of Congress, and they are pointing that out to the American people, but not without a spirit of optimism about change. Change is necessary, change is possible, and it will happen because of the leadership of the Congressman Tim Ryan and Congressman Kendrick Meek. Thank you so much.

Mr. Ryan of Ohio. Thank you so much. It is an honor to have you down here with us. We come here a lot, and to be in your presence, I think it is important what the leader said about what we can do not within the first 100 days, but within the first 100 hours. They are some very basic, simple steps.

We talk about just the average person, what changes will happen in their own lives if their student loan rates are cut in half and the minimum wage is raised within the first 100 hours. That is a fact of life that impacts people around the country.

It is not that we are going to wave some magic wand, but we are going to do the people's business. With the gentleman's leadership, it is going to be an exciting time.

Mr. Speaker, you see excitement among Democrats about some alternatives. We have some challenges, but any time you challenge the American people, they seem to step up. I know Ms. Pelosi will provide us with that leadership.

Ms. Pelosi. I think the American people are way ahead of this Congress, and they are waiting for us to catch up. We look forward to that with your full participation. Thank you very much.

Mr. Meek of Florida. Thank you very much, Madam Leader, for coming down. You definitely cement what we have been talking about for 3 years on this floor.

Mr. Speaker, we had it from the top person. If we have an opportunity to lead this House, and we sure hope that we will have that opportunity, you have given us the person who will drive the agenda and make sure that we are able to do what we have to do.

Leader, I want to thank you for having confidence in those of us who are young Members in this House to be able to carry the message, to carry the fight to stop Social Security from being privatized. We have an article in the Washington Times that talks about the fact that if the Republican majority is any farther ahead of us, that the President feels that he has the support here in the House to privatize Social Security, and they may very well do it. I want to thank you for allowing us to come to this floor and share with the Members our plans and alternatives, and make sure that they know full well that we are ready to move in a new direction.

One thing that I mention all the time, and you mentioned in your comments, bipartisanship can only be allowed if the majority allows it. I personally appreciate as a Member who has spent years in the State legislature and has worked in the Florida Senate, I think this is something that can be accomplished on the State and now this country. And I know if we are allowed to lead with that philosophy, America's agenda will move forward.

Like the leader said, the American people are unified in support of basic legislative initiatives which we can actually move on.

But the threat still looms. The President and the leadership of this House talks about it, and the leadership of the Republican Party nationally talks about it, and the President's staff also talks about it. There is an ongoing fight. With you in the forefront, with you as a voice for your generation, and as a voice for our country, that we will prevail. Thank you.

Mr. Meek of Florida. Thank you. By the way, I am not going to continue, until the clock runs out on this Congress, to continue to come down to the floor to share with the American people.

Mr. Speaker, we can't get any higher than where we are right now as it relates to the commitment and the will and the desire to put America in a new direction.

Mr. Ryan, I think with the leader coming down to the House, to this floor a few minutes before 8:00, 8 p.m. eastern standard time after a full day of legislative session, she has pretty much laid it out as relates to the Democratic plan, put this country in a direction and with a majority. Forget about the first 100 days, like a lot of politicians like to talk about; the first 100 hours of a Democratic Congress and all of the things that she identified.

I am willing to yield to Mr. Ryan, and we can close out, and then we can move on from this point. I don't think that we can add any more this evening to what the leader has already said.

A lot of times we can talk about what the leadership said they would do, but when you have the leader of our caucus, the leader of the House Democrats, hopefully the future Speaker of this House of Representatives, she has said on the CONGRESSIONAL RECORD, not for the first time, not the second time or fourth time, but tonight of what we would do if given the opportunity.

Mr. Ryan of Ohio. I thank the gentleman, and I want to thank the leader again because I think you are exactly right. This is in the CONGRESSIONAL RECORD. This is not a campaign promise on the stump somewhere across America. This is right here with the stenographer taking down the words and making sure this is recorded for posterity.

I think the reason this is possible, Mr. Meek, the reason that this first 100 hours is possible and why it will happen, is because our leadership has gone to great lengths over the past couple of years to unify our caucus. Never before has the Democratic Caucus been more unified in support of basic legislative initiatives which we can actually move on.

What has happened for years and years is we tend to always talk about what divides us. We come down here and we are critical of the administration, but what we want to do as leaders is figure out what can unite us. Ms. Pelosi has done that not only in this caucus, but also with the Senate, also working with Harry Reid in the Senate and their leadership for a new direction for this country. So it is very important.

I was corrected by a good friend of mine, Mr. Mack from Florida, about the ability of someone to be appointed to this body. No Member can be appointed, but the general membership can appoint a Speaker, and the Speaker doesn't necessarily have to be a Member of this body, so I am told. And so someone can be appointed to this body to oversee it.

Now, someone on the other side should think about maybe looking at that and taking advantage of it. But I know when we get elected to take over this Congress, I know it is going to be Ms. Pelosi who is going to be our Speaker.
I yield to my friend, and I thank my friend, and I look forward to seeing you next week back here again with all of your skills and rhetoric and commitment.

Mr. MEEK of Florida. Mr. Ryan, let me say this. I think we are getting into the discussion of who can or cannot be appointed or what have you. I could be a millionaire, but I am not. Let me just say this, and I didn’t stay in a Holiday Inn Express last night, either. But let me just say this. As we continue on with the 30-something Working Group we spend a number of hours not only studying what we are going to do, how we are going to do it, but talking about the history of what we have done in the past, and talking about the legislation that is filed in this Congress.

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You heard Leader Pelosi. She said we have a minimum wage increase for the American workers at $7.25 already filed. It is not some saying, well, if we could or we are dreaming of a piece of legislation. It is already there. So when we talk about the first 100 hours to the Republican majority and to the American people, this is not something that we have to say, well, wait one second, wait one minute, we have to draw up some plans. They are already there. They are already there because the American people have said that they want it, overwhelmingly.

And at the same time we talk about real security and securing America. It is not something where we are going to come up with some plan or some gimmick. It is already there. Taking the recommendations, you heard the leader, in the first 100 hours, the Democratic majority, the 10 uninitiated 9/11 recommendations that are vital to securing this country will be implemented.

Like I said, as the ranking member of the Oversight Subcommittee of the Homeland Security Committee here in this House, Mr. Speaker, I have seen the reports that have been brought about, that we are going to monitor the border and what have you. The American people want something more than monitoring. They want to secure the border, whether it be south or north. They want to secure it, not just monitor it.

So let’s just say, for instance, Mr. Speaker, that this new $2.5 billion initiative to monitor the border actually comes to a close, as we wait on our Republican colleague to come get his or her next hour, I just want to say that it is very, very important because this is very serious business. Sometimes here in the 30-something Working Group we spend a number of hours, I must say, Mr. Speaker, a number of hours not only studying what we are going to do, how we are going to do it, but talking about the history of what we have done in the past, and talking about the legislation that is filed in this Congress.

Mr. MEEK of Florida. Mr. Ryan, let me just say this, and I didn’t stay in a Holiday Inn Express last night, either. But let me just say this. As we continue on with the 30-something Working Group we spend a number of hours not only studying what we are going to do, how we are going to do it, but talking about the history of what we have done in the past, and talking about the legislation that is filed in this Congress.

So now that I know that our Republican colleague is here now, Mr. Ryan, I know that you were going to give the information out.

Mr. Ryan of Ohio. As you were talking, and we have all reviewed the Constitution, one of the things I found very interesting as I was reading this is the very beginning, the “We the people” pay in order to form a more perfect union, establish justice, insure domestic tranquility,” and then this last little phrase here hit me: “provide for the common defense and promote the general welfare.” The general welfare. Not the special interest groups, not the oil companies, not the pharmaceutical companies, not the chemical companies, but the general welfare, Mr. Speaker.

And that is what we are here to do is provide for the general welfare. And I think next year in January, when we agree as a caucus to elect a Member of this Chamber, an elected Member in Ms. Pelosi, we can move in that direction, our constitutional obligation to provide for the general welfare.

www.HouseDemocrats.gov/30something. All of the charts and the rubber stamp and everything are on the Web site for people to access.

Mr. MEEK of Florida. Mr. Speaker, we would like to thank the Democratic leadership for allowing us to have this hour. We would also like to share with not only the Members but the American people that it was an honor to address the House this evening, sir.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN, ENGAGE IN, OR SUPPORT TERRORISM, AND MAINTAIN IN FORCE THE NATIONAL EMERGENCY 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 TRANSIENTS TO THE CONGRESS A NOTICE STATE 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, STATING THAT THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM IS TO CONTINUE IN EFFECT BEYOND SEPTEMBER 23, 2006. THE MOST RECENT NOTICE CONTINUING THIS EMERGENCY WAS PUBLISHED IN THE FEDERAL REGISTER ON SEPTEMBER 22, 2005 (70 FR 55703).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon of September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.


The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Iowa (Mr. King) is recognized for 60 minutes. Mr. King of Iowa. Mr. Speaker, I appreciate the privilege to be recognized on the floor of the United States Congress again and the opportunity to share some of my thoughts and hopefully enlighten some other colleagues in this chamber tonight. But as I listen to the previous conversation here on the floor, generally that will help or redirect the things I am about to say as I get down here and perhaps I could just take a few of them from the bottom back towards the top. One of the things I would point out as a distinction from my esteemed colleagues on the other side of the aisle, to preserve date of this declaration, continuing their dialogue here until such time as I arrived, but one of the things that was repeated over and over again
over the last hour was the “rubber-stamp Congress,” the “rubber-stamp Congress.” And we have to take that to mean exactly what it is intended to mean, as the allegation that this majority in Congress rubber stamps whatever is that the President says that he wants.

And nothing could be further from the truth, Mr. Speaker. I would point out that if this is a rubber-stamp Congress, and, in fact, we should do it this way: when the President proposes an agenda, a piece of legislation, a piece of policy, if we need to endorse a piece of foreign policy, then we need to evaluate that to the fullest extent that we can. We need to bring the collective brains together in this place, and we need to have a vote in this Congress. We do that. We do that, Mr. Speaker.

In fact, we initiate all spending here in this House of Representatives. That is according to the Constitution. The deliberation comes from here. When the President has a budget request, he puts his budget together and offers it to the Congress. We evaluate that budget. We produce our own. In the time I have been here, we have not rubber-stamped the President’s budget. We have done our own. And we had some struggles with the President on the things that we were not willing to fund and on some of the things that he wanted to do and vice versa. That is as it should be. That is what we have to do. We have to bring the collective brains together and come to a compromise conclusion so that we can get appropriations passed out of here.

That is not rubber stamp. That is hard-fought due diligence done not just in the Budget Committee that puts some limits on our appropriations, but done in every appropriations committee within the limits of the authorizations that are done by the standing committees, and in that process we are carrying out our constitutional obligation to be the budget committee for the people. Not a rubber stamp. And if it were a rubber stamp, the President’s budget would get a rubber stamp. There wouldn’t be deliberations here, and he would get his way. Sometimes he gets his way; sometimes he does not. Sometimes the Congress holds sway over the President. But it is far from a rubber stamp in that process.

Many of the initiatives that the President has brought forward have been rubber-stamp Congress. And in fact, the allegation that it is a rubber-stamp Congress fits right into the same breath as “the President wants to privatize Social Security.” Well, there are two things wrong with that statement. The President has never stated that he wanted to privatize Social Security and neither has anyone in Congress who I know of. In fact, I would challenge the minority to identify a public statement by any Member of Congress that they wanted to privatize Social Security. They have never done that. That’s the mantra. That’s the allegation. It is false. No one in this Republican majority has taken a position to privatize Social Security.

Neither has the President, Mr. Speaker. The President has stepped forward and said, I want to reform Social Security.

Well, one of the promises that just got made by the other side was they would fix Social Security and they would balance the budget. We know that the only way, with the propensity for spending that comes from that side of the aisle, to balance the budget, would be if we raise taxes, raise taxes, raise taxes. And then you get risks for when the economy is a little while until business activity begins to shrink, shrink, shrink; and at that point you could either make a decision on whether you want to cut taxes to stimulate the economy or whether you want to continue to kill the goose that lays the golden egg.

Rubber-stamp Congress, Mr. Speaker? Rubber-stamp Congress? The President wanted Social Security reform. He went out in the cities of America before gathering after gathering, before the media, everywhere he could and invested a tremendous amount of political capital just in the aftermath of his fantastic second inaugural address that took place here on the west portico of the Capitol building. We left that address that day in 2005. It was called the “first term agenda” for the second term of President George W. Bush.

And the agenda that he drove was to reform Social Security, save it so it doesn’t become the kind of thing that it can be there for the next generations, and preserve and protect and guarantee the sacred covenant we have with the senior citizens. We pledged that we will hold their benefits together, that we will not increase the funds that are paid into that. We will not increase the payroll tax. We will hold the benefits together for the senior citizens, and the President proposed an opportunity for young people to take a portion of their payroll tax Social Security contributions and put that into a personal retirement account, a limited retirement account. Not a wild investment kind of a venture capital thing but a controlled kind of investment that the Federal employees all have access to as part of their pension program that they have. Tried, true, very popular among Federal employees. Offer the same thing to young people in America and guaranteed to our seniors. The President invested a tremendous amount of political capital and a logical, rational solution for Social Security.

And what happened, Mr. Speaker, was the other side of the aisle demagogued the issue and over and over again stated, they want to privatize your Social Security. They want to turn it over into the markets. They want to dump it into Wall Street, and it is all going to blow up and the market will crash and everybody will be broke and live in poverty forever after. That’s what you heard in the 2015 campaign that America was faced with, and that scared senior citizens off their support that was necessary to reform Social Security.

That demagoguery costs Social Security reform. The very people that stood in the way of it are the ones that are now talking about, we will fix it.

But, you know, Mr. Speaker, they don’t have the tools to do that. They don’t demagogued the only tools that can fix Social Security until you can just raise the rates. And if you want to raise the rates, there is no sense in doing it next year because it is something that could be adjusted anytime along the way.

But the truth is that there is a surplus coming into Social Security right now, and that Social Security trust fund is a little over $1.7 trillion, and that is an IOU from the government to the government. They are actually bonds printed on cheap copy paper, no more valuable than this piece of paper right here, Mr. Speaker. And those bonds are in a filing cabinet in Parkersburg, West Virginia, keeping track, stacking up, 3, 4, 5, $3 billion to $4 billion, an IOU from the government to the government.

And even when we use the resources from the year when this runs out, and this surplus runs out in about 2017, that is when the revenue stream goes negative. When the revenue stream goes negative, we are going to have to find some money because that $1.7 trillion is not money. It is IOUs from the government to the government. It is like writing yourself an IOU and then putting it in your pocket. Well, I am going to cash that IOU in on myself in about 2017.

But even if that money were there, over the period of time from 2017 until 2042, that fund of $1.7 trillion, which will have grown substantially by then, will diminish and reduce itself down to zero by 2042, Mr. Speaker.

So the reform that is promised here tonight on the other side of the aisle can only be, We will raise the rates and we will take it out of the pockets of the working people.

In fact, the working people of America pay the highest percentage of their revenue into payroll tax of anybody in the country. We look at a regressive tax, Social Security, Medicare and Medicaid, but especially Social Security is a regressive tax. It is .0765, 15.3 percent altogether for the payroll tax. And that 15.3 percent, if you do that calculation, and I do not have the number in front of me, but it will be in the area of for the first $10,000 you earn, you will pay $1,500 in tax.

That becomes a 15 percent tax on the payroll of someone who is making only $10,000. And once you go up, that percentage rate you hit the trigger, the cap point, and then the percentage that you pay in a payroll tax goes down.

So this is a regressive tax that would be increased in order to, I suppose, keep the government running the next few days that we would reform Social Security. But you are not told we are going to increase your payroll tax on the poorest
people in America, the highest percentage, the most regressive tax, we are going to increase it.

It is the only solution if you are not willing to allow young people to have a portion of that they earn to invest so that they have the same kind of benefits that our senior citizens have today, and the same kind of benefits that we guarantee to our people that are, say, 50 and above all over the United States today.

We will keep that sacred covenant with our seniors. And I stand here and say this, Mr. Speaker, and I am confident when I make this pledge, and I am confident that I represent perhaps the most senior congressional district in America.

The State of Iowa has the highest percentage of its population over the age of 85 of all the States in the Union. And in the 99 counties in Iowa, of those 99 counties, I represent 10 of the 12 most senior counties in Iowa. We are keeping the new generation fresh alive. We get exercise. And we live longer in western Iowa than maybe anywhere else in America, for a congressional district.

But out of that 10 of the 12 most senior counties in Iowa in the Fifth Congressional District, and Iowa being perhaps the most senior State in the Union, I believe I represent the most senior congressional district in America.

When I stand here, Mr. Speaker, and say, we will keep this sacred covenant with our seniors, we will not raise the rates on you, and we will not reduce the benefits, that is our pledge to you. You are the greatest generation. You have carried the torch for us ever since you cut your teeth on the Depression and fought and won World War II, carried us through the victory in the Cold War, and the transition into this time when we will keep our pledge.

The House has an interest in Social Security in the face of that, I would be interested in the details of that plan, Mr. Speaker.

But a rubber-stamp Congress? Cannot possibly be. That argument cannot sustain itself at the same time that you demagogue the President’s need and leadership to reform Social Security. You demagogue that issue and then say you are a rubber stamp. If this had been a rubber-stamp Congress, Mr. Speaker, the President would have by now had Social Security reform.

Most of us wanted to vote for it. We did not have the 218 votes or we would have passed it, and it would no longer be an issue. But it was killed by the other side. And now they say rubber-stamp Congress. The argument does not hold up. If you cannot pass the President’s agenda, no matter how hard you try, you are not a rubber-stamp Congress.

And that is not the only thing, Mr. Speaker, but there are a series of those. And then the argument that things would get done within 100 days, does that include the Senate? We pass an awful lot of legislation out of this House of Representatives. This is no do-nothing House of Representatives, Mr. Speaker. We have sent piece of legislation after piece of legislation over to the Senate, where it goes over there to die a death of asphyxiation because they cannot get it through the 60 votes that is necessary to beat the filibuster, the cloture vote.

Who are the people over there obstructing legislation? The people that are in the Senate, just like the people that are in the minority here in the House of Representatives, the ones who are obstructors, pointing their finger at the people that have been passing legislation and actively moving policy that is good for America and saying, you are do-nothing.

Well, if nothing gets finally accomplished and onto the President’s desk for a signature, it is not because this House of Representatives did nothing. In fact, it is not because the Republican majority in the Senate did nothing; it is because the obstructors in the minority party on each side of the aisle stepped in the way, did everything they could to slow down the process, obscurated the issue, demagogued the issue, and then said, you are do-nothing.

That would be like having somebody dump sugar in your gas tank and then argue that you were not there on time when you went to go to work, blame you for something that they did. No.

Another case in point would be the energy issue that was raised here. We are going to solve the energy problem in America is what was said. We have been working to solve this energy problem in America. And, Mr. Speaker, and for the information of the minority leader in the United States Congress, I will point out that we are producing more renewable energy than any country in the world today, right now, today.

I have heard people on this side of the aisle say we need to go to Brazil and learn what they are doing with ethanol down there, because we need to do what they are doing. Well, the problem with that is two- or three- or ten-fold, Mr. Speaker. And one of them is Brazil is producing ethanol out of sugar cane. We do not have a lot of sugar cane here; we are not likely to get a lot of sugar cane here. But we are producing the most profit when my corn goes into my ethanol plant.

And one of them is the 12 most senior counties in Iowa in the Fifth Congressional District, and Iowa being perhaps the most senior congressional district in America.

When I stand here, Mr. Speaker, and say, we will keep this sacred covenant with our seniors, we will not raise the rates on you, and we will not reduce the benefits, that is our pledge to you. You are the greatest generation. You have carried the torch for us ever since you cut your teeth on the Depression and fought and won World War II, carried us through the victory in the Cold War, and the transition into this time when we will keep our pledge.

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But it to go down to Brazil to learn what they are doing with ethanol, when they are making it out of sugar cane, and they are making a lot of it with archaic equipment, when Brazil, even though they burn far less ethanol than we do, cannot produce enough to meet their own needs, and to repeat the argument that Brazil is a 100 percent ethanol producer. Well, the blend that they use is 25 percent. When we got down there, they had just dropped the 25 percent blend down to 20 percent because Brazil did not have enough ethanol to meet the demand market-place. So they burn more gas, less ethanol, did not have enough sugar cane, and were not able to produce enough ethanol, and we are considering going down there to learn from them.

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are up and running, on the drawing boards, or have broken ground, or are under construction, one of those three phases, at least 14 in the congressional district, the 32 counties in western Iowa that I represent.

And one of them out there that I have not caught up with the business transaction on that yet. But there is a tremendous amount of investment going into ethanol production all throughout the Corn Belt. We started, actually Minnesota initiated some policy that utilized and home-grown engineering that has now grown into the region where I live, and into that region in Minnesota, north central Iowa, western Iowa, and parts of South Dakota and Nebraska as well.

That home-grown engineering has been a real, real asset to the development of ethanol production. But we produce far more ethanol in the United States than they do in Brazil. We have more modern technology than they have in Brazil. There will be over $1 billion of capital investment in my congressional district this year alone put on the ground for renewable energy production facilities, including wind chargers.

So there is a lot of progress being made economically. But, Mr. Speaker, there is also a lot of progress being made to provide this supply of ethanol, and provide this supply of biodiesel with the renewable fuels that take the burden off of Middle Eastern oil and give us more freedom, more autonomy, and make us less dependent on Middle Eastern oil.

That is what is going on with energy from the renewable energy perspective. It is a dynamic time. I would add, also, that in the State of Iowa, if you add the counties that are in our neighboring States, one county in Minnesota, Illinois, I better say Minnesota, Wisconsin, Illinois, Missouri, Nebraska, South Dakota, Iowa, Minnesota, that is just one county in, you add that to the ethanol production facilities within the State of Iowa, and you are looking at about 61 ethanol plants all together. Sixty-one. And they will probably all not get built. But if they do, they will be able to process every kernel of corn that we produce in the State of Iowa, which causes us to have to make some adjustments. Absolutely.

Up until just a few days ago, all of the biodiesel production in Iowa was in the Fifth Congressional District, Mr. Speaker. And we are aggressively building out biodiesel production. That is going to out to the limits of the Soybean Belt. Ethanol production is going to go to the limit of the Corn Belt. And cellulosic is a few years away, but there is high, high hopes for what it can do with the potential for energy.

Those things are happening. They are happening now. We provided the tax credits. We have put the structure in place so that individual entrepreneurs could invest their capital, could put together the business transactions so that we can have ethanol production and biodiesel production that is large in scale, efficient in its operations, and available to the American consumer like it is today in growing quantities. These plants are averaging 75 million bushels of corn, not a round number. It is a significant quantity of renewable fuels.

Who is going to solve this energy problem? The people that are here that have provided for the ethanol, biodiesel, the people that have passed legislation that is going to provide for better sitings and more sitings for the refinery of crude oil that comes into this country. And we cannot refine all of our crude oil anymore because it has been an environmentalist barrier that has blocked the construction of oil refineries, and it has limited our ability to process. So we find ourselves buying more gas, more diesel fuel on the market rather than refining from crude oil and keeping those jobs here in the United States.

Who stands in the way of that, Mr. Speaker? The people on this side of the aisle. The people that argue that, well, you cannot have that oil refinery in my backyard, the NIMBY phobia. You cannot have that oil drilling rig offshore from my State. And so we have this situation where we are growing the renewable energies in the United States aggressively and dramatically, and at the same time we are sitting on a tremendous amount of natural gas, being blocked by environmentalist elements that you will find in that caucus in huge numbers, in my conference in small numbers.

But it is not the Republicans that are holding the energy development up in the United States, it is the other party that is doing that, Mr. Speaker. We need to be drilling up there on the North Slope of Alaska. We did so successfully starting back in 1972. That has been an environmentally friendly operation going on up there, and one of the measures would be that the caribou herd in 1972 was 7,000 head, and now, as of about 3 years ago, the last numbers I have seen, that caribou herd is 28,000 head.

Now, we could not have damaged the environment and had that kind of a growth in the caribou herd on the North Slope. But if you go east to the outer continental shelf, there just is not a native caribou herd. They do come in from Canada and have their calves there and go back again about the middle of June, the latter part of June. But we can do even better there with the new technology that we have.

What nation, what nation, especially an energy-dependent nation, would sit here and refuse to tap into massive supplies of crude oil that we know lay underneath the North Slope of Alaska, in ANWR, along the shore in the arctic coastal plain? What nation would leave that oil there and buy from the Middle East and buy it from Hugo Chavez? The more money we send to them, the more belligerent they get. Mr. Speaker.

It defies logic. But it is being held up by that side of the aisle, Mr. Speaker, not this side of the aisle.

Outer continental shelf drilling, we know there is a minimum conservative investment of 406 trillion cubic feet of natural gas offshore. We are trying to open up the legislation to get that drilled. It is a narrow little transaction going on. We should do far more.

We should simply open up the whole thing and let development come in and start pumping that gas out, pump the oil out, get it into this market, grow the size of the energy pie, provide more and more BTUs of energy from all sources, and then start apportioning the percentages of those sources according to whether they are a finite or a renewable source so that we can have a well-managed energy policy.

Mr. Speaker, I think we can get there. We are moving down that path. But every time a person on that side of the aisle is elected to this Congress, there is a great risk, and the odds are they are going to Voyager green interests, whether they understand the issue or not. That is why we have trouble with our energy policy. That is why this Congress can’t open up those energy fields.

And do not be deluded for a minute, Mr. Speaker, into thinking that there is going to be an opening up of ANWR or the outer continental shelf if there happens to be some people from the other side of the aisle that will get their hands on a gavel. There be less of that kind of energy, not more. Energy prices will go up.

If you believe in the law of supply and demand, there would be under their scenario less supply. There would probably be the least amount of demand, which means the price would go up on energy.

They will not solve the energy problem. We have offered the solutions here, and we have had to squeeze them past them, and we are going to keep doing that until such time as the American people send us more allies here to get this job done even better.

So, the idea of the energy situation is something that I think that needs to be explored. And if there were a rubber stamp Congress, as the other side of the aisle alleges, then we would be drilling in ANWR right now, we would be drilling on the outer continental shelf right now, Mr. Speaker. We would have a significant supply of energy for the American people to consume. Oil wouldn’t have peaked out there above $3 a barrel. Thankfully it is down now.

I would like to tell you that I am going to take responsibility for the gas prices here over the last couple of weeks. I don’t have any credit for changing those prices in the last couple of weeks, and I wouldn’t have peaked out there above $3 a barrel.
gallon, I remember $3.07 a gallon perhaps a month ago.

So as the price of gas spirals downward, part of that is because you have marginal wells that weren’t pumping, there wasn’t profit for them to be pumping, and when oil prices went up, it paid for them to pump that oil out on to the market. So when you raise the price, you can buy a lot more oil, and a lot more oil gets explored.

Chevron found a tremendous find down off of Mexico, and it is one of the largest finds anywhere at any time. As that field gets developed, that will change the price of oil worldwide and it will make it more available to us here in the Western Hemisphere.

So I am looking forward to moving forward. We will solve every energy problem here in the United States of America. We have the ability to do that. We have the incentive to do that. We have the ability to do that. We have the incentive to do that. We have the ability to do that. We have the incentive to do that. We have the ability to do that.

I would challenge them, if we should be starved for energy, Mr. Speaker, I would say to them if we should be starved for energy, then where do you stand on opening up the outer continental shelf?

I think we know, Mr. Speaker, because the votes are on the board. We have had a number of votes on those issues in here, and we know what happens. The other side of the aisle blocks those agendas and they don’t produce a constructive result. They simply say “we need to pass a law that says Detroit has to make a car that gets 50 miles to the gallon.” Then that fixes everything.

Well, it just may not be possible to make a car that will haul my family that will get 50 miles to the gallon, so to lead up to that same kind of efficiency is not a very good return on our legislative investment, Mr. Speaker.

So, a number of these promises will not be kept, and I am trusting the American people won’t provide that opportunity, because they will understand that.

But I would like to shift us over, if I could, Mr. Speaker, to another field of interest, and that field of interest would be the Afghanistan and the Iraq theater of war. As we are aware, in those circumstances, I have been redefined on the issues that are before us in Afghanistan and in Iraq.

Mr. Speaker, I can tell you that we have exceeded the expectations in Afghanistan for a long time. Yes, we have conflict going on there now. There has been some resurgence of the Taliban in Afghanistan.

We need to keep in mind also that these kind of conflicts are seasonal. This is the seasonal push that wraps up and the winter they go back into the mountains and hole up again, it is too cold at the high altitudes, so there isn’t a lot of activity going on in the wintertime. But when the weather is warm and people can move about, that is when our troops have been attacked and that is when we have descended upon them.

But every time it has been the Taliban have actually lost the encounter. And it will continue to take some of these kinds of operations in Afghanistan for a considerable length of time.

But while this is going on, NATO troops are standing. American troops are supporting them, and troops from other countries are coming in under the command of NATO. We are getting Afghanistan handed over more to the coalition of international forces underneath a NATO banner. That is a very good thing, Mr. Speaker, and it is a very positive transition that is taking place in Afghanistan.

We need to understand that when you go into a country that has no tradition of a liberal democracy, no tradition of being able to go to the polls and vote, select their national leaders, direct their national destiny, they don’t have that tradition, they don’t have the experience, they don’t have the culture that they can get to this place where we all have lived to in this country, without some help and guidance, and are glad for that help and guidance and they are reacting towards it and they have had a significant amount of stability in Afghanistan that has flowed from the liberation that took place within a couple of months of the September 11 attacks here on the United States.

I consider it to be a very successful operation in Afghanistan. We need also to keep in mind that there are elements there that do cause violence. One of them is just the tribal conflicts that have gone on there for century after century. Those tribal conflicts still exist. We would be deluding ourselves if we tried to convince ourselves that there are not going to be tribal conflicts going on over the next decade or half a century or maybe even a century. It is hard for that to get all put away.

So there are likely to be some flare-ups that are just tribal conflicts in Afghanistan. That is the way it has been. That is the frictions that have been there for millennia, and that is the frictions that are likely to be there at least into the future of our lifetimes. So there will be violence that comes from tribal conflicts.

There will also be conflicts that come from the temporary resurgence of cells of the Taliban. We are always able to go into those areas and pacify those areas, and the local people have been supportive of our troops and they are supportive of the NATO troops. So that is an issue that we will have to continue with.

There is just plain simple criminality that goes on. It goes on in any country in varying degrees, and at some point you get the rest the violence toned down, the Taliban violence, some of the tribal violence that is more likely to happen under these circumstances today than it might be when there is more stability in Afghanistan.

So when the tribal violence gets toned down and the tribal violence gets toned down, then we may have to deal with the criminal violence that is there for the most part, and it needs to get toned down to where it is manageable, and at that point the police force takes over.

So the progress that is being made in Afghanistan should give us good cheer. It should give us good optimism. It has exceeded the expectations of this Congress, and it is to the credit of our President, it is to the credit of Secretary of Defense Rumsfeld, the Joint Chiefs of Staff, General Pace, General Myers, who has commanded this during that particular period of time, our commanding officers, our intelligence, our logistics. Our troops on the ground, our soldiers and Marines that have served so well and honorably, have turned out a result in Afghanistan that exceeded our expectations and continues to be promising. So, Afghanistan is moving along at an optimistic rate.

In Iraq, Iraq, Mr. Speaker, has been a little more difficult. In fact, significantly more difficult, but far from hopeless. Far, far from hopeless.

The allegation was made today that in Iraq we are in a civil war. I have defined a civil war here on this floor before Mr. Speaker, for the benefit of those who don’t think it through.

For the benefit of those that want to throw that term around without being challenged on the validity or accuracy of their prediction, they say “civil war” because I think secretly, well, not in secret, a civil war in Iraq would serve their political interests. I don’t know what they secretly wish for, but a civil war in Iraq would serve the opposition to this White House, to this majority, it serves their political interest. So they come to this floor regularly and say civil war in Iraq, civil war in Iraq.

It can’t be substantiated by fact. I have defined what a civil war would like look. It would be when the Iraqi military, Kurds and Shia and Sunnis alike, put on the same uniform, strap on the same helmet, charge into the same combat situations together, guarding each other’s back, when those people that are defending the freedom and the safety and providing for the security in Iraq, the Iraqi military, that are now over 300,000 strong, when they choose up sides and start shooting at each other, that, Mr. Speaker, would be the definition of a civil war.

It is not a civil war. It is not likely to be a civil war. But there is rising sectarian violence and the danger that threatens some stability in Iraq. It is also the violence that comes from the insurgents, from the terrorists, from al Qaeda. Those people are a smaller percentage,
But we have to discourage and eliminate the local militias taking that security into their own hands. That security needs to be in the hands of the authorized personnel from the government of Iraq that ultimately will end up answering to Prime Minister Maliki in that pyramid chain of command that has to go out through that country.

As the days and weeks and months go by, more Iraqis are trained, more and more are performing well, and more and more the Iraqi people are starting to see that their future is with a strong and prosperous and unified Iraq.

I want to give credit to a good idea, Mr. Speaker, that came from the gentleman who has added so much to the fiscal discussion in America, Mr. Steve Forbes. His idea was, and I have given it some thought and it is intriguing to me and I am inclined to be supportive and ready to endorse such a concept, Mr. Speaker, but he suggests that all the oil revenues in Iraq really belong to the Iraqi people.

A significant percentage of those revenues need to go to the government of Iraq in order to run the government and fund the operations that go on there. But to set aside a percentage of that oil revenue and then divide that up among Iraqis, so much to each Iraqi citizen. He said if you did that in the fashion that Alaska does that with their people, I believe he said that the annual check for being an Alaskan that comes from the oil revenue is about $834 a year.

If that number, $834 a year, is something that provides for Alaskans to have a stake in Alaska, can you imagine what a similar check like that would do for Iraqis to have a stake in Iraq? The idea is that if the oil flowed out of Iraq, prosperity flows in, you are not cut out of that economic equation if you are an Iraqi. If you register yourself as an Iraqi with an address, you end up in a group of citizens of Iraq that are on a certified voter registration list, a list of people there, people who will live by their own identification and have to because that check will find them if they are who they say they are.

It is an intriguing idea. It is an interesting idea, because it does unify and move towards the unification of the Iraqi people. If they all have a vested interest in producing a lot of oil and shipping that oil out of Iraq and those royalty checks that would come in, come into the national coffers and be distributed out to the Iraqi people, they are going to be keeping their eyes out when somebody comes out to sabotage a pipeline or an oil well or a refinery or a distribution terminal out in the Gulf. They will protect their interests, and they will all line up, I believe, then, against the people that are seeking to destabilize Iraq. It is a good idea, the idea that I think President takes a look at and one that can be discussed over in the Middle East.

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But this was never going to be easy, and the idea that Iraq is a diversion in this global war against Jihad fascism could not be more erroneous. Mr. Speaker, if Iraq was not a threat to us, then what other Nations were not a threat to us?

I would ask, produce that list. Put them up on the board so we do not have to worry about them anymore, and we do not have to send anyone in there or be prepared with a military contingency plan. We do not have to turn our focus on to the place where the folks on the other side of the aisle allege we ought to be putting it which I do not know where that is, Mr. Speaker. All I know is they tell us where it is is not, and they contend Iraq was never a threat.

In fact, today, in the aftermath of Hugo Chavez’s speech before the United Nations, Mr. Speaker, that nearly at that podium, emotional, unstable speech that was delivered by Hugo Chavez, the President of Venezuela on the floor of the United Nations, where he said things about our President being beyond the pale, and remarks that the junior senator from Iowa said, I can understand where he is coming from.

He said there were people by the thousands that lit a candle and marched in Tehran September 11 in support of the United States and in sympathy with the United States for being victimized on that day by those terrorist attacks and that all of the Muslims would be on our side on that day. This is the statement of the junior senator from Iowa, Mr. Speaker, but you know, it needs to have a different clarification.

There may have been people walking in the streets of Tehran that lit a candle in solidarity with the United States. I would expect they were the people that were the moderate Muslims, the ones who were well-educated, and I would expect that they would know where they were marching and they had a measure of freedom until the Ayatollah came in 1979. I imagine those people that were walking with candles with solidarity towards the United States back in 2001, September 11, were the very people that are our allies today. But the junior senator said we turned them all into enemies and now we have polarized and alienated the Muslim world against the United States.

I would say to the Speaker, that a more objective truth is the truth that in almost every major Muslim city in the world on September 11, when that hit the news, there were people dancing in the streets with glee because the Muslims had suffered those blows on that day. That is the reality of it. They showed their true colors. In fact, in some of the Muslim enclaves in the United States, people took to the streets to celebrate, and in some of the mosques in the United States, the Imam preached about what kind of blow was landed on the United States favorably.

These are facts of historical reality. Mr. Speaker, and I have spoken towards the tale end of this about just the United States, but across the world we have had radical Islam line up against us and it is not just because we are the ally of Israel. I will say that is also why we have a global war that is going on right now. They would like to annihilate the United States because they believe we are the antithesis of their culture. They would submit that it is not a culture they represent.

I would ask this question. In the last 700 years, Mr. Speaker, is there anything in that culture that is aligned against us, radical Islam, is there any contribution that that civilization has made in the last 700 years that would be a contribution in the area of math or science or physics or chemistry, any kind of medicine? Is there any kind of contribution in the last 700 years, Mr. Speaker, that came from the genie? I hope there is someone that can come up with a contribution in 700 years from that civilization that has declared war on us. I cannot find it. I asked Middle Eastern scholars to find it for me. They seem to be stumped as well, Mr. Speaker.

And so is it a civilization that we are at war with or is it a defunct civilization, hardly a civilization at all, one that lashed out, one that worships death, one that we could never understand and should not it is not rational? It is not rational from a Western civilization viewpoint. No deductive reasoning approach will help us figure out the Middle Eastern, suicide Jihadists, fascist mind.

But what we must do is change the habit for the people who believe that their path to salvation is in killing us. That culture has to change or this war will not be over, and this price that has been paid with nearly 3,000 lives on September 11 and nearly 3,000 lives since that period of time in the theaters of Afghanistan and in Iraq, will continue to mount week by week, month by month, year by year in a perpetual conflict until such time as we change the culture of the people who believe their path to salvation is in killing us.

Mr. Speaker, it is not Islam. It is not the Muslims that are the problem. They are the host upon which the parasitic Islamic fascism parasite will attach itself to a host, which Islamic fascism does to Islam. It will feed off the host, which Islamic fascism does to Islam, and it will reproduce on the host, which Islamic fascism does to Islam. Sometimes it attacks the host. Sometimes it drops off and attacks another species, goes through another cycle and attaches itself back to the host again.

That is what is going on, and I am asking the moderate Muslim world, help us eradicate the parasite from within your midst. That is the only way we can do it in a relatively painless fashion. It must happen because
they have pledged death to all of us who do not subscribe to their perverted version of the religion.

So, Mr. Speaker, those are the circumstances that face us and the people that dance in the streets with glee in Muslim cities in the world where radical Islamists, the Islamic fascists, the people who are at war with us, and it is not that we made them enemies after that period of time. It is not that going into Afghanistan or going into Iraq made them enemies. They were our enemies before then. They danced in the streets on the very day that the junior senator from Iowa said there were folks in Iran carrying candles, and I thank those people in Iran. I believe they were, but I believe they are still with us.

Our enemies are still against us. That dynamic has not changed except for the habitat has changed in Afghanistan and changed in Iraq. No longer can either one of those locations be a terrorist staging area, terrorist training grounds or terrorist breeding grounds. That has changed because freedom has arrived in both of those locations, even though we have got some work to do in Iraq.

I would like to shift to another subject matter, Mr. Speaker, and one that I think is important to have a brief discussion on. We have taken some significant steps here on the floor of this Congress to resolve the biggest problem that this United States has, and that is, how are we going to provide national security if we do not control our borders, if we do not enforce our immigration laws, if we cannot bring together a solution that resolves this issue.

The statement was made over here on the other side of the aisle that they would provide a comprehensive immigration reform policy. Well, that comprehensive immigration reform policy that they were talking about, Mr. Speaker, is the one the President presented. It is the one the Senate has passed. It is the one the President has endorsed. It is the one the Democrats want to vote for, and do you know, Mr. Speaker, if this had been a rubber stamp Congress, we would have comprehensive immigration reform.

But the truth is, this House of Representatives has blocked the amnesty legislation that is proposed by the gentlewoman from California, the esteemed minority leader who spoke here on the floor within the last hour, and also by the President and also passed by the United States Senate.

That is amnesty, pure and simple. Although it is complicated and convoluted, it has thrust back to the big scarlet A word, amnesty. The American people have rejected amnesty, amnesty in any form, amnesty by any name.

They want enforcement. They understand that there is an average of 11,000 illegals pouring across our southern border, not every day, Mr. Speaker, every night. That is when the action starts. Every night, on average, 11,000 illegals pour across our southern border.

The border patrol has testified here that they stop perhaps 25 percent to 33 percent. Testifying witnesses have also said that the border patrol intercepted 1,186,000 in an attempt to come into the United States, just on our Mexican border. The year before it was 1,159,000 that were arrested trying to come across our Mexican border.

Now, let us make that last calculation, Mr. Speaker, if you take the 25 percent number or someplace a little higher than that of interdiction that I gave, that means more than 4 million people attempted to cross our southern border last year and the year before. When I go down and talk to the border patrol agents and I say you are getting 25 percent enforcement on people that are breaking into the United States, they say, no. The most consistent number they have is 20 percent, not 33 percent, not 25 percent, perhaps 10 percent.

One officer who was an investigative officer and should have been in the position to know, when I posed the question to him, he broke up in hysterical laughter, Mr. Speaker. He said, no, not 25 percent. I said how about 10 percent? Not 10 percent. About 3 to 5 percent is about all they stop.

So calculate these numbers out. The population of the United States is growing, Mr. Speaker, and it is growing a number of ways. It is growing every night when 11,000 illegals pour across our southern border.

For the period of time it works like this. Every 8 seconds, on average, another illegal comes into the United States. In that 8-second period of time, what is that comparable to? Oh, a bull ride, if you do not get bucked off, is 8 seconds. Every, I think the number is 7.6 seconds in America a baby is born. So every time a baby is born in America, an illegal jumps the border. Our population is growing simultaneously. Illegals in this column, newborn babies in this column and that graphical number is going up and up simultaneously to, well, within the 3 to 4/10ths of a second. Every 8 seconds an illegal crosses the border, every 7.6 a baby is born, and every time a bull rider gets on that bull, by the time you hear the bell, another illegal has jumped across the border.

That is how intense this is. 11,000 people a night, 4 million people a year, and it goes on and on and on.

The leadership and the majority in this Congress, the Republican majority, understand that it is a terrible wound in our border that has to have a tourniquet put on it. We have got to stop the bleeding, Mr. Speaker, and so we look at a number of ways to do that.

I will say behind me is a model of the concrete model that I have designed, and that came not because I sat here and listened to testimony, although a lot of that data mattered. It did not come about because I listened to other people around here talk, although I listened to them. I put together a number of ideas, and a year and a month ago, I called for a fence on our southern border. An opinion piece was designed to sell the idea, and the idea gained momentum although I was criticized roundly for such a radical statement, but the idea gained momentum, and 3 months, 3 weeks and 3 days later, we passed the fence legislation off the House of Representatives, 700 miles, double wall much of it in the most important strategic locations, and leaves us open I believe to continue to build more fence on our southern border.

We can put a fence in. We can put this concrete wall in that I have designed that is behind me here, Mr. Speaker, and we will do this, but the reason that we need to build a wall on the border is this: contradiction that was taken by one of our esteemed newspapers today is because we have an open border that is not even marked for hundreds of miles. Anybody that wants to, you can walk, crawl, run or drive, occasionally fly, across that border is free to do so. We have not even defined the border, and yet the force of 11,000 people a night, 4 million people a year, $65 billion worth of illegal drugs coming across that border and people that want to get a job and for a better life, I concede that.

The force of all of that together cannot be stopped by putting border patrol agents shoulder to shoulder on the border. We can do that. It would cost a lot of money, and we have to have backup people, but that is not the best and most economically viable solution.

If we build a barrier, we can force all human traffic through the ports of entry. That is what I submit we do. I would put a chain link fence down on the other side itself, and then I would put the concrete wall in 100 feet. I would design it this way. I would put wire on top, and that wall would be the structure that would be too difficult to cut through, pretty difficult to go dig under. It would have to be patrolled and have sensors, but I believe that this 25 percent effectiveness that we have today would turn into a 90 or 95 percent effectiveness if it is managed, maintained and controlled and has sensors put on it and cameras to back it up and we integrate our technology along with our physical barrier, Mr. Speaker.

Then I would submit to the American people, if there are some things we have not considered adequately in this debate, this idea of a comprehensive bill that really says amnesty starts with a couple of premises, one of them is that there are Americans that will not do this work.

And, truthfully, every single job there is to do in America is being done...
by natural-born Americans, people that have birthright citizenship here, those who are born to a mother and a father who are both citizens. Traditional Americans are doing every single kind of work there is in this country.

We have a different dropout rate in our high schools in this country. Those young people who don’t have a continuing education, that don’t have a high school education, they need the lower-skilled jobs. Some of them, that is what they want out of life, but their opportunity is being taken from them by the price being undercut of money going to illegal workers in this country by the millions.

The 30 percent of the dropouts then end up on welfare, on crime. They end up not being the quality of citizens that they could be, not realizing their potential, because the entry-level jobs and the kind of jobs that they haven’t access to because of their limited education are being taken away by illegals. What is point number one on that issue.

Then there is the argument of we don’t have enough people to do this work. That is another falsehood, Mr. Speaker. And I would submit the response that is. If you have a corporation and you are looking to move into a city or a town, a region, or community to establish a new production facility of some kind, and you need to know what the available labor supply is to evaluate that location versus perhaps several other locations, Mr. Speaker, what you would do is you would send a little team in there to evaluate the area, and you would meet with the mayor, the chamber of commerce, the development corporation, maybe meet with the law enforcement people to get a sense of what the crime rate was, and you would meet with the educational people and get a feel for that whole community.

And to evaluate whether there is enough labor supply there, you wouldn’t do what the advocates for amnesty are saying. They are saying, well, there is only a 4.7 percent unemployment rate, which means that is a full employment economy. Well, first of all, it is not, Mr. Speaker. During World War II, we had a 1.2 percent unemployment rate, and that still wasn’t a full employment economy, but as close as it has been in the last century. So I would number a number to measure that is a lot closer to full employment than 4.7 percent.

Just the same, there are 7.3 million people in the United States that are on unemployment. That is not the only number you would look at if you are a corporation looking to place a facility in a location. You would go in there and do a study and say, not how many are on unemployment, yes give me that number, but your question would be, what is the available labor supply? And what is the educational level of the workers? And what is the wage scale here? And what are we going to have to provide for benefits to compete for these employees? You would ask those questions and you would get your answer. And for the United States of America, Mr. Speaker, it works out this way, the available labor supply is this.

We have 143 million people working. We have 7.3 million people that are unemployed. But we have not in the workforce between the ages of 16 and 69, 61,375,000. Pardon me, that is to the age of 74. Wal-Mart hires people to be greeters there and enjoy their days. So that is 61,375,000. You add to that the unemployment rate, and I look at this number on this chart, 7,591,000, the most current number that I have. It takes me up to 69 million nonworking Americans.

So if you would like to reduce that smaller number there, that is about 7 million or so between the ages of 70 and 74, fine, you can take this number down to 61 or 62 million people.

But we have 7 million working illegals in America and maybe 70 million nonworking Americans. So what kind of a rational policy would not hire one out of 10 of the nonworking Americans rather than bring in tens of millions of people here, 66 million more people by a significant number of analysis of the Senate version of the bill, match the total number of all Americans naturalized in all of our history, double that, 66 million from 1820 until the year 2000 and another 66 million, and end up with 132 million nonworking Americans.

And if you would like to reduce that number more again, you would have 60 percent of them and end up with having to support the deficiencies in health care and a burden on the infrastructure when you have got 70 million people in America that are not in the workforce today that are of working age.

Mr. Speaker, this approach often defies logic. The people that have a vested interest are the ones that are driving this debate. The libertarian powerful, business interests on the other side, they walk in here, they are into this deal and they are using that money to advance an illogical approach that does not take into consideration the long-term best interests of the United States of America. And the liberals on the other side see political power, so open the borders. And that is why they are hollering and calling for what they call a comprehensive immigration plan, which is an amnesty plan that would bring in 66 million new people.

And what is going to happen when they come into a place, they will assimilate into the politics of the locale where they arrive. And that means they aren’t going to be bipartisan split down the middle. If you can get them to go into a Democrat enclave, that is what they are going to be. If you could get them to go into a Republican enclave, that is what they are going to be. If anybody doubts that, just ask yourselves, how many Irish Catholic Bostonian Republicans do you know? I don’t know anybody. I know one. They have not assimilated into the politics of the rest of America; they stay in their political enclave. That is what will happen with the newly arriving immigrants into this country as well, just to add another point to all this, Mr. Speaker.

So I submit we need to establish an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America and use those considerations and no other. If we do anything otherwise, we are opening up our borders to be the relief valve for poverty, and we know that there are at least 4.5 billion people on the planet that have a lower standard of living than the average citizen in Mexico.

And so we cannot be the relief valve for poverty unless we are willing to accept a population in the United States that would exceed, say, 5 billion people or more.

What should the population of the United States be 50 years from now? 100 years from now? A significant question. What is our future? What is our destiny? This is a long-term issue, and it is one that needs to have serious consideration. But enforcement, seal the border, and birthright citizenship, shut off the jobs magnet is what we will do, and we will build a fence and we will start it this year.
the House for the following titles, which were thereupon signed by the Speaker:

H. R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H. R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate for the following titles:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to store, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 478. An act to direct the Secretary of Defense to limit the deployment of the United States Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 1025. An act to amend the Act entitled ‘An Act to provide for the construction of the Quincy division, Wichita Federal reclamation project, Kansas, and for other purposes’.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 2006, at 12:30 p.m. for dinner hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

9532. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for the Department of Homeland Security: (H. Doc. No. 109-134); to the Committee on Appropriations and ordered to be printed.

9537. A letter from the Deputy Chief of Legislative Affairs, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the support services function performed by civilian personnel of the Department of the Army, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9539. A letter from the Deputy Chief of Legislative Affairs, Department of Defense, transmitting the Department’s preliminary planning for OMB A-76 commercial activity study; to the Committee on Armed Services.

9539. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1706(e)(6) of the Cuban Democracy Act (H. R. 4167); to the Committee on Armed Services.

9540. A letter from the Secretary, Department of the Treasury, transmitting the final rule—Airworthiness Directives; The Cessna Aircraft Company Model 172R, Transmittal No. DDTCE-01-AD; Amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13131 of July 31, 2003; to the Committee on International Relations.

9540. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-57, containing the proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on International Relations.

9541. A letter from the Secretary of Defense, Department of the Treasury, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Mexico and Spain (Transmittal No. DDTCE-01-AD); to the Committee on International Relations.

9542. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support acts of terrorism; to the Committee on International Relations.

9543. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

9544. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support acts of terrorism; to the Committee on International Relations.

9545. A letter from the Speaker, Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o’clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 2006, at 12:30 p.m. for dinner hour debate.
9549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Establishment of Class D Airspace; Camp Ripley, MN; Established as Class E Airspace; Camp Ripley, MN [Docket No. FAA-2005-22172; Airspace Docket No. 05-AGL-08] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. 735XL Airplanes [Docket No. FAA-2006-24047; Directorate Identifier 2006-CE-02-AD; Amendment 39-14858; AD 2006-13-05] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with a No. 3 Cargo Door [Docket No. FAA-2006-24173; Directorate Identifier 2006-NE-72-AD; Amendment 39-14863; AD 2006-15-01] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2005-20689; Directorate Identifier 2004-NM-197-AD; Amendment 39-14655; AD 2006-13-03] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9553. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Rolls-Royce Corporation; formerly Allison Engine Company, Allison Division and Detroit Diesel Allison 250-B and 250-C Series Turbo and Turboshaft Engines [Docket No. FAA-2005-22594; Directorate Identifier 2005-NE-29-AD; Amendment 39-14659; AD 2006-13-06] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9554. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Rolls-Royce Corporation [formerly Allison Engine Company, Allison Division and Detroit Diesel Allison 250-B and 250-C Series Turboprop and Turboshaft Engines] [Docket No. FAA-2006-24173; Directorate Identifier 2006-NE-72-AD; Amendment 39-14865; AD 2006-13-04] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A330-200 and A330 B4 Series Airplanes; and Model A330 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes [Collectively Called A330-600 Series Airplanes] [Docket No. FAA-2004-19566; Directorate Identifier 2004-NE-72-AD; Amendment 39-14657; AD 2006-13-04] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transportation and Infrastructure.

9556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes (Type Certificate STC) [Docket No. FAA-2006-25175; Directorate Identifier 2006-
plans and to encourage the use of health savings accounts; to the Committee on Ways and Means.

By Mr. MACCALLUM (for himself, Mr. FREDUCCIA, Mr. ACKERMAN, Mr. BOEKELHERT, Mr. OWENS, Mr. TOWNS, Ms. SLAUGHTER, Mr. ENGEL, Mrs. LOWEY, Mr. MCNULTY, Mr. SERRANO, Mr. WELSH, Mr. SHEPHERD, Mrs. MALONEY, Mr. MCGUIN, Mr. NADLER, Ms. VELAZQUEZ, Mrs. KELLY, Mr. KING of New York, Mr. FUSSELLA, Mrs. MCLAIREN, Mr. MEKES of New York, Mr. CROWLEY, Mr. SWEENY, Mr. WEINER, Mr. ISRAEL, Mr. BISHOP of New York, Mr. HIGGINS, and Mr. KIER):

H.R. 6139. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself, Mr. MATHEWSON, Mr. THORNBERY, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. ROSE-LITITZEN, Mr. BROWN of South Carolina, Mr. BAKER, Mr. KLINE, Mr. McGovern, Mr. WOLF, Mr. CHENSNASH, Mr. GRAMM, Mr. SHIMKUS, Mr. ELLERS, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Mr. PETRI, Mr. ROHRABACHER, Mr. HABIB, Mr. HARKER, Mr. HUNTS, Mrs. BONO, Mr. DREIER, Mr. MCKEON, Mr. ROGERS of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. GARY of Illinois, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. WELDON of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. BLACK, Mr. HASTERT of Wisconsin, Mr. KUHL of New York, Mrs. EMERSON, Mr. MCCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Ms. HART, and Mr. CALVET):

H.R. 6136. A bill to award a congressional gold medal to Margaret Thatcher, in recognition of her dedication to the values of free markets and free minds; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. FRENCH, Mr. WEAVER, Mr. FOLEY, and Mr. CHOCOLA):

H.R. 6137. A bill to amend the Internal Revenue Code of 1986 to double the damages, fines, and the unauthorized inspection of returns and return information, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. MCKEON, and Mr. TIERI):

H.R. 6138. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, and Mr. PASCHELL):

H.R. 6139. A bill to direct the Secretary of Homeland Security to impose requirements for the use of security camera and video surveillance systems at certain airports, and for other purposes; to the Committee on Homeland Security.

By Mr. PAYNE, Mr. HINCHILLA, Ms. PELOSI, Mr. LANTOS, Mr. RANGEL of California, Mr. OLVER, Mr. McDERMOTT, Ms. NOETEN, Ms. WATERS, Mrs. CUMMINGS of Maryland, Mr. BALDWIN of Wisconsin, Mr. DOHERTY, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. OWENS, Ms. MILLEREND-MCDONALD, Mr. COHEN of New York, Mr. WATT, Mr. CONYERS, Mr. FATTAH, Mr. PAYNE, Mr. MEEHAN, Mr. BLUMENAUER, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. CARSON, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. ROTHENBERG, Mr. BRASEN, Mr. WENEMANN, Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of California, Mr. MECK of Florida, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. JEFFERSON of Pennsylvania, Mr. JOHNSON of Texas, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. DELAURO, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. KUCINICH, Ms. SOLIS, Mr. HINCHEY, Mr. WEAVER, Mr. MCGOVERN, Mr. ENDEL of New York, Mr. GHLIALVA, Mr. CAPUANO, and Ms. WATSON):

H.R. 6140. A bill to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 6142. A bill to amend the African Growth and Opportunity Act relating to preferential treatment to apparel articles of lesser developed countries, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself, Mr. PITTS, Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. RADANOVIC, Mr. NORWOOD, Mr. BURKE, Mrs. MYRICK, Mr. GILLMOR, and Mr. TERRY):

H.R. 6143. A bill to amend title XXVI of the Public Health Service Act to extend and extend the program for providing life-saving care for those with HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER:

H.R. 6144. A bill to reduce vulnerability to natural disasters in foreign countries through the use of disaster mitigation techniques; to the Committee on International Relations.

By Mr. DAVIS of Tennessee (for himself, Mr. SMITH of New Jersey, Mr. KAPTUR, Mr. LIPINSKI, Mr. ORTIZ, Mr. MELANCON, Mr. FORD, Mr. COSTELLO, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. MCINTYRE, Mr. HOLDEN, Mr. BERRY, Mr. BOYD, Mr. MARSHALL, Mr. KILDREW, Mr. KENNEDY of Minnesota, Mr. FITZPATRICK of Pennsylvania, Mr. DIAMOND of California, Mr. TAYLOR of Mississippi, Mr. KING of New York, Mr. CYLHER, Mr. MURTHA, Mr. RYAN of Ohio, Mr. LANDOEVIS, Mr. BROOKS (for himself, and Mr. BAKER):

H.R. 6145. A bill to provide for programs that reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, the Committee on International Relations, and for other purposes; to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6146. A bill to revise the boundaries of the District of Columbia; to the Committee on Resources.

By Mr. FOSSELLA (for himself and Mr. ENGEL):

H.R. 6147. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 6148. A bill to designate Campbell County, Virginia, as a nonmetropolitan county for purposes of the HUBZone programs of the Small Business Administration; to the Committee on Small Business.

By Mr. AL GREELEY (for himself, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. WASSHER SCHULTZ, Mr. CONTERS, Mr. CARSON, Mr. LEAVY, Mr. STARK, and Mr. GHLIALVA):

H.R. 6149. A bill to enhance housing and emergency assistance to victims of Hurricane Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 6150. A bill to establish the National Minority Business Enterprise Incubator Program; to the Committee on Financial Services.

By Mr. KLINE (for himself, Mr. GUTKNECHT, Mr. RAMSTAD, Mr. KENNEY of Minnesota, Mr. STEFANOCARRBER, Mr. SABO, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 6151. A bill to designate the facility of the United States Postal Service located at 1222 15th Street in Washington, District of Columbia, as the “Hamilton H. Judson Post Office”; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. POMEROY, Mr. EMANUEL, and Mrs. WATSON):

H.R. 6152. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for development in countries to promote a quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on International Relations.

By Ms. MOORE of Wisconsin (for herself, Mr. PRATT of Massachusetts, and Mr. SCOTT of Georgia):

H.R. 6153. A bill to improve the delivery of counterterrorism financing training and technical assistance by providing for greater interagency coordination and cooperation, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 6154. A bill to amend part A of title XVIII of the Social Security Act to clarify that facilities designated as critical access hospitals may be used to provide assisted living; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 6155. A bill to establish guidelines and incentives for States to establish criminal drug dealer registries and to require the Attorney General to establish a national criminal drug dealer registry and notification program, and for other purposes; to the Committee on the Judiciary.
By Mr. PEARSE:
H. R. 6156. A bill to provide for the exchange of certain land in the Lincoln National Forest, New Mexico, with the owners of Rattlesnake Spring, New Mexico, to adjust the proclamation boundary of that national forest, and for other purposes; to the Committee on Resources.

By Mr. TIAHHT (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, and Mr. REILLY of New York):
H. R. 6157. A bill to amend the Revised Statutes of the United States to provide for legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Mr. STUPAK):
H. R. 6158. A bill to amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen’s groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland (for himself and Mr. ABERKROMBIE):
H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that the States should enact joint custody laws for fit parents, and that all children are entitled to the benefits of having a father and a mother in their lives; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mrs. MALONEY, Mrs. MCCARTHY, Mr. TOWNS, Mr. KELLY, Mr. OWENS, Mr. CROWLEY, Mr. ENGL, Mr. SERRANO, and Mr. MCCOTTER):
H. Res. 1032. A resolution honoring New York State Senator John Marchi; to the Committee on Government Reform.

By Mr. GRAVES:
H. Res. 1033. A resolution condemning Venezuelan President Hugo Chavez for his anti-American remarks at the September 20, 2006, United Nations General Assembly meeting; to the Committee on International Relations.

By Mr. JINDAL:
H. Res. 1034. A resolution honoring the life of Sister Leonella Sgorbati; to the Committee on International Relations.

By Mr. MEEKS of New York:
H. Res. 1035. A resolution congratulating Commissioner Paul Tagliabue on his retirement from the National Football League; to the Committee on Government Reform.

By Mr. SALAZAR:
H. Res. 1036. A resolution demanding the return of the U.S.S. Pueblo to the United States Navy from North Korea; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 147: Mr. FERGUSON.
H. R. 517: Mr. STARK, Mr. MCINTYRE and Mr. BACHUS.
H. R. 550: Mr. POMEROY.
H. R. 583: Mr. LARSON of Connecticut.
H. R. 602: Mr. MCNULTY and Ms. ESHOO.
H. R. 688: Mr. WEXLER.
H. R. 676: Ms. MOORE of Wisconsin.
H. R. 699: Mr. BOUCHER.
H. R. 791: Mr. MURTHA.
H. R. 837: Mr. BISHOP of Utah.
H. R. 864: Mr. CUMMINGS and Mr. ETHERDGE.
H. R. 910: Mr. ALLEN, Mr. MATTHEW, and Mr. MEGHAN.
H. R. 1000: Mr. RANGEL.
H. R. 1059: Mr. SIMMONS.
H. R. 1405: Mr. WEXLER.
H. R. 1453: Mr. MATHIS.
H. R. 1507: Mr. KAPR.
H. R. 1578: Mr. BILLBAY.
H. R. 1634: Mr. FERNY, Mr. BOREN, and Mr. WEXNER.
H. R. 1649: Mr. STARK.
H. R. 1902: Mr. PAYNE and Mr. KUCINICH.
H. R. 1951: Mr. STARK.
H. R. 1952: Mr. OSBORNE.
H. R. 2016: Mr. WELDON of Florida.
H. R. 2017: Mr. WEXLER.
H. R. 2018: Mr. KLINE.
H. R. 2184: Ms. MCCOLLUM of Minnesota and Mr. MCDERMOTT.
H. R. 2241: Mr. TAYLOR of Mississippi.
H. R. 2244: Mr. TAYLOR of Mississippi.
H. R. 2275: Mr. WAXMAN, Mr. SALAZAR, Ms. BALDWIN, Mr. GRAVES, Mr. MATTHEW, Mrs. JO ANN DAVIS of Virginia, and Mr. JOHNSON of Illinois.
H. R. 2293: Mr. DOGOETT, Mr. EVANS, Mr. FILNER, and Mr. SOUDER.
H. R. 3006: Mr. EVANS.
H. R. 3019: Mr. FORD.
H. R. 3183: Mr. PASTOR and Mr. GRIJALVA.
H. R. 3337: Mr. SMITH of New Jersey.
H. R. 3326: Mr. DELAHUNT.
H. R. 3352: Mr. BACHUS.
H. R. 3508: Mr. LAHOOD.
H. R. 3559: Mr. GOODLATTE and Mr. GRAMER.
H. R. 3576: Mr. FILNER.
H. R. 3685: Ms. WATSON, Mr. HASTINGS of Florida, and Mr. FILNER.
H. R. 3686: Mr. RUSH.
H. R. 3796: Mr. BRADLEY of New Hampshire.
H. R. 3883: Mr. ISSA.
H. R. 3931: Ms. SCHWARTZ of Pennsylvania.
H. R. 3948: Ms. GINNY BROWN-WATKINS of Florida.
H. R. 4033: Mr. BRADLEY of New Hampshire.
H. R. 4042: Mr. MARCHANT.
H. R. 4063: Mr. CAPUANO.
H. R. 4098: Mr. PASCARELL.
H. R. 4136: Mr. WEXLER.
H. R. 4177: Mr. MCCOTTER.
H. R. 4452: Ms. SOLIS.
H. R. 4547: Mr. SHUMKIS.
H. R. 4660: Mr. PORTENBERG and Mr. DELAHUNT.
H. R. 4720: Mr. THOMAS.
H. R. 4749: Mr. STRICKLAND and Mr. FITZPATRICK of Pennsylvania.
H. R. 4746: Mr. HAYES.
H. R. 4751: Mr. RODGERS of Kentucky and Mr. ABERKROMBIE.
H. R. 4771: Mr. STARK.
H. R. 4794: Mr. WEXLER.
H. R. 4824: Mr. WELDON of Pennsylvania.
H. R. 4830: Ms. BIGGERT.
H. R. 4910: Mr. PICKERING.
H. R. 4924: Mr. FILNER.
H. R. 4927: Mr. MCHERRY and Mr. LATHAM.
H. R. 5005: Mr. BOUSTANY and Mr. KENNEDY of Minnesota.
H. R. 5014: Mr. KIND, Mr. DOGOETT, and Mr. GENE GREEN of Texas.
H. R. 5022: Mr. PRICE of North Carolina.
H. R. 5088: Mr. CONTRES, Ms. LEE, and Mr. GEORGE MILLER of California.
H. R. 5311: Mr. HINOJOSA, Mr. GRIJALVA, Ms. HUDSON, Mr. RANCILIO, Mr. MALONE, Mr. REYES, Mr. ROTHMAN, Ms. ZOR LOFORO of California, Mr. ANDREWS, Mr. FILNER, Mr. MORAN of Virginia, Ms. DAVIS of California, Mr. AL GREEN of Texas, Mr. LANDEEN, Mr. WOODLEY, Mr. FABE, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Ms. CAPPS, Mr. WU, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. GEORGE MILLER of California, Ms. NAPOLITANO, Ms. BERKLEY, Mr. MEGHAN, Mr. DAVIS of Florida, Mr. NADLER, Mr. WINKEL, Ms. VELAZQUEZ, Mr. ALLEN, and Mr. SCHIFF.
H. R. 5134: Mr. STARK.
H. R. 5139: Mr. DENT and Mr. O’BRYAN.
H. R. 5241: Mr. WAXMAN.
H. R. 5179: Mr. PORTER.
H. R. 5206: Mr. SHAYS and Ms. HARRIS.
H. R. 5498: Mr. OBERSTAR.
H. R. 5740: Mr. WEXLER.
H. R. 5742: Mr. RAMSTAD, Mr. BOWWELL, Ms. DAVIS of California, Mr. MEGHAN, Mrs. MALONEY, Mr. BOORELFT, Mr. LATHAM, Mr. RYAN of Wisconsin, Mr. COSTELLO, Mr. FITZPATRICK of Pennsylvania, Ms. MOORE of Wisconsin, Ms. KAPR, Mrs. MCKAY, Ms. VELAZQUEZ, Ms. MILLER-McDONALD, Mr. LORENZ, Mr. HERSH, Mr. WELDON of Pennsylvania, Mr. ORTIZ, and Mr. MATTHESON.
The Senate met at 9:30 a.m. and was called to order by the Honorable Johnny Isakson, a Senator from the State of Georgia.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal and Almighty God, we have lived long enough to know that we cannot escape Your presence or Your love. Teach us Your way of salvation and show us the path that leads to a meaningful life.

Today, use our lawmakers to accomplish Your will. Stretch their understanding so that they will have the right priorities. Give them a creativity to devise strategies which will make our Nation and world better. Enter their hearts and make them Your faithful servants. Equip them to relieve suffering and to serve sacrificially. Make their highest motivation be not to win over one another but to win with one another by doing Your will.

We pray in Your awesome Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Johnny Isakson led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).

U.S. SENATE,
President pro tempore,
Washington, DC, September 21, 2006,
To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Johnny Isakson, a Senator from the State of Georgia, to perform the duties of the Chair.

Ted Stevens,
President pro tempore.

Mr. Isakson thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore.

The majority leader is recognized.

SCHEDULE

Mr. Frist. Mr. President, today, we will begin a 30-minute period of morning business, which will be equally divided between the two sides. Following that morning business, we will return to the motion to proceed to the border fence act. Cloture on the motion to proceed was unanimously invoked yesterday. The postcloture time will expire at 5:45 this afternoon. We will be on the bill at that time, or if an agreement is reached with the Democratic leader, we hope to proceed to it at an earlier time. Senators will be alerted as to the prospects for rollcall votes as we determine what the rest of today's schedule is.

Mr. Frist. Mr. President, today, we will begin a 30-minute period of morning business, which will be equally divided between the two sides. Following that morning business, we will return to the motion to proceed to the border fence act. Cloture on the motion to proceed was unanimously invoked yesterday. The postcloture time will expire at 5:45 this afternoon. We will be on the bill at that time, or if an agreement is reached with the Democratic leader, we hope to proceed to it at an earlier time. Senators will be alerted as to the prospects for rollcall votes as we determine what the rest of today's schedule is.

Mr. Frist. Next Friday or Saturday.

Mr. Reid. The other question is, I recognize that other than delaying things, if the majority wants to go home, that is what we do because we have fewer votes than they have. But my Senators are asking, and staff is asking, is this Friday and Saturday the date that the majority is going to go home?

Mr. Frist. Monday afternoon around 5 o'clock to 6:30. There have been several questions about that.

Mr. Reid. Mr. President, has the majority leader made a decision as to when we are going to vote Monday?

Mr. Frist. Monday afternoon around 5 o'clock to 6:30. There have been several questions about that.

Mr. Frist. I urge our colleagues to focus on accelerating their work at the committee level so we can finish at a reasonable time next week.

Mr. Reid. Mr. President, has the majority leader made a decision as to when we are going to vote Monday?

Mr. Frist. It is very important. Mr. President, that we keep everybody's schedules clear because there are campaigns going on. People need to get back to their States. It is our intent that we are going to stick with it. Unless there is an unforeseen emergency of some sort, we will finish next week. We will be out this month. My intention is to finish Friday, working with the Democratic leader in that regard. There is very important business for us to do, and that should send a signal that we have to keep our committees and conferences working for the rest of today, tomorrow, and over the course of the weekend and into next week.

.way and, hopefully, we will be able to report back more on that later this afternoon.

Today, I believe most of the debate postcloture time will be used on border security and on the issues surrounding immigration. We will have votes on Monday and, I would say, they are likely Friday. As I have said each day this week, we may have to be in next Saturday. I urge our colleagues to focus on accelerating their work at the committee level so we can finish at a reasonable time next week.

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Unless there is something very surprising, I expect we will be out this month. I would like for it to be Friday, but it may be Saturday.

Mr. REID. The majority leader and I have had private conversations. It is my further understanding that the majority leader is planning on coming back the following Monday after the elections?

Mr. FRIST. The following week.

Mr. REID. Monday or Tuesday?

Mr. FRIST. Right. It is clear that over next 8 or 9 days, we have unfinished business we absolutely must do. Looking at the calendar, either that Monday or Tuesday of the week following the elections, we will be back in.

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.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore.

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 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.

The Senator from Michigan is recognized.

PHYSICIAN MEDICARE PAYMENTS

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to come together to pass an update of the physician Medicare payments and to stop what will be over a 5-percent cut that will take place in January if we do nothing.

We need to have a sense of urgency about this issue. Eighty Senators on both sides of the aisle—80 out of 100—came together and signed a letter to our leader asking that a positive Medicare payment update be done before the Senate adjourns. Senator Reid spoke on the floor in support of that effort. I urge our Senate leader to come to the floor, and in the final days of the session before we break for the elections, do what 80 people in this Senate—80 Senators out of 100—came together and agreed physicians must be provided, which is a positive Medicare payment update for 2007.

I am deeply concerned that after the election we may or may not have the focus in order to be able to get that done before the end of the year. It is vital not just to physicians but to the people we represent—the seniors, people with disabilities—that we get this done. Eighty senators or more have sent a letter to our two Senate leaders and have urged that we act now. Senator Reid has indicated his support for doing that. We need our Senate leader to bring this to the floor so we can get it done.

I joined these 80 Senators in sending that letter in July because we know that if we don't provide even a minimum update, we destabilize the Medicare system and put all patient access to health care at risk. That is not an understatement.

There needs to be a tremendous sense of urgency about this issue. What has happened since July 17 when we sent the letter? Nothing. There has been no movement—nada—on this matter. Despite 80 Senators agreeing that we have a need to provide a minimum update for physician services. There has been no effort by the majority leader to bring this issue to the floor. We have had no willingness to bring up an issue that has incredible significance to tens of millions of Americans all across our country.

I am here this morning because we have only 7 days or 8 days—whatever the number is—left before we adjourn for the elections. We don't know what will be happening after that. We certainly know there are many critical issues left and much to be done. The appropriations process isn't completed. There are many items on the agenda after the election. It is very uncertain what will be happening. We know that right now we can get it done. We do know with certainty that come January there is going to be a 5-percent cut for physicians and fewer physicians being able to care for the uninsured and people with disabilities if we do not act.

With 80 people urging that we act, this should be a simple process. This should be, as they say, a no-brainer to bring this to the floor and simply get it done. We need to do something quickly. There is no reason not to do this today. We can get it done quickly.

Eighty Senators wrote:

The undersigned Members respectfully would like to ensure that these impending cuts are not imposed on physicians and the health care system. There is no reason to take away the ability of individual doctors and patients to access health care. We urge you to ensure that these impending cuts are addressed before Congress adjourns. At a minimum, we must provide physicians with a positive Medicare payment update for 2007.

So we have the critical mass necessary to get this approved.

The change is necessary to ensure that these impending cuts are not imposed on physicians and the health care system. The number of people who will lose access to their doctors, the number of new TRICARE patients they serve, the number of physicians who will decrease the number of doctors in rural communities will be forced to discontinue rural outreach, and 43 percent of physicians will decrease the number of new TRICARE patients they serve. We clearly have a need.

Also, we know that when we cut payments, whether it is to physicians, hospitals, home health care agencies, or nursing homes, we do not really save any money. We just create more people who cannot get the care they need when they need it. And what happens? They walk into the emergency room sicker than they should be. They get the care they need. Our hospitals provide that care. But that care care then have to recoup those costs, so they roll those costs over to everybody with insurance.

In a State with a huge manufacturing base, with employers that provide health care, this goes right on their backs. Businesses large or small end up seeing their health insurance rates go up. So the private sector ends up paying for all of these expenses, and it does not save money to cut physicians' payments or other Medicare or Medicaid payments, either one, because then the private sector has to look for ways to cut. They ask working people and their families to pay more for health care or they cut the kind of health insurance they have. What happens? More people walk into the emergency room. This happens every day.

What are we waiting for? We have 7, 8 days left. We have a clear problem and a clear solution and a clear majority of Senators who want to see this fix happen.

Over 20,000 M.D.s and D.O.s in Michigan provide more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical care payment update for 2007. We know from a recent survey conducted by the American Medical Association that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept. Fifty percent of doctors will defer the purchase of health information technology that we need. I might add, is an area where we, under our budget jurisdictions for Medicare and Medicaid and other health care programs, will reap huge savings, hundreds of billions of dollars with health information technology. We have a huge area where we can make savings.
services under the Medicare Program. Our Michigan families get wonderful care from wonderful doctors. Our American families receive wonderful care from wonderful doctors. But the question is, Will they be able to continue to receive those services? I would argue that we are doing now about the payment system used to reimburse physicians for Medicare services.

Beginning January 1, 2007, the Medicare sustainable growth rate formula will apply to physicians and health care professionals by 5.1 percent. What does that mean in real dollars? In Michigan alone, it is $137 million in cuts to Medicare. The average cut for a physician in Michigan will be $34,000. As medical costs go up—as we see the cost of sustaining an office and other costs and medicine going up, everything is going up—we are cutting back on the physicians’ reimbursements. These cuts will be particularly devastating for primary care doctors, the very doctors, according to the Medicare Payment Advisory Commission, MedPAC, many Medicare beneficiaries rely on for important health care management.

Again, we are scheduled to adjourn in 7 days. It is time to resolve this issue so that our physicians know they are going to be able to continue to care for Medicare patients come January.

This is not a new issue. MedPAC considers the Medicare SGR formula—a flawed, inequitable mechanism for controlling the volume of services and first recommended repeal of the Medicare SGR formula in 2001. Since then, they have consistently recommended repealing the formula. I have, in fact, put forward a bill that would do that and set up a physicians commission to recommend what should be done. We don’t have time for that between now and the end of the year, but we do have time to do what needs to be done in the next 7 days, which is to stop the automatic cut that is scheduled to take effect in January. We need to stop that, and instead of a freeze that was given last year, we need to give a modest update for our physicians so they will know that we understand how important their services are to seniors and people with disabilities.

In conclusion, I wish to share a couple of letters I have received. I have received so many letters from physicians around Michigan expressing grave concern. These are people who care very much about the people they serve. They are trying to keep it together so they can continue to serve people, whether it is in Detroit, Lansing, or Grand Rapids, up north, in the upper peninsula.

I received a letter from a physician in Cheboygan, MI, which is a small town on the lower tip of the northern peninsula. Timothy M. Burandt, D.O. in surgery, wrote me a letter that says: In May 1990 I graduated from medical school and took an oath to care for all patients in need. As a general surgeon practicing in rural northern Michigan, I am committed to caring for all of my neighbors, not just those with insurance. My expenses keep going up as I also have a responsibility to my staff to support them with fair wages and benefits. Without adequate reimbursement, I cannot continue to offer my services to everyone who walks through my door. There simply aren't enough resources. Please don’t force me to choose which patients I should care for. I would rather retire early and close the practice.

I don’t want Dr. Burandt to have to close his practice in Cheboygan, MI. The families in Cheboygan, MI, cannot afford for him to close his practice, and there is no excuse for us not to act so he doesn’t have to.

Also, Tara Eding, a doctor of internal medicine in Hamilton, MI, writes: It will be very difficult to remain in practice as internist. The majority of my practice is Medicare patients. It is already difficult to maintain a primary care practice in this field. We have recently had to “trim” overhead by cutting staff, restricting our services, etc. and I only see things getting worse. If these cuts are made it will drive us out of practice.

I have already stopped accepting new Medicare patients and if these cuts go through I will not have a choice. I will be forced to stop participating in one way or another. We would not be able to keep our practice open as it exists today.

There is a sense of urgency in these letters. There is a sense of urgency that we need to feel on the floor of the Senate. We have a responsibility to our patients in this body on both sides of the aisle who have called on our leaders to act. We have a sound policy, we have a sense of urgency, and we have time to get this done in the next few days.

UNANIMOUS CONSENT REQUEST—S. 1547

Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1574, a bill to provide for a minimum update for physician services under Medicare, and that the Senate proceed to the immediate consideration; that the amendment at the desk to strike the language pertaining to an update for 2006 be considered and agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Idaho.

Mr. ALLARD. Mr. President, S. 1547. It is necessary that we object. The Senator from Michigan makes a tremendously valuable point. I hope the Senate does the right thing after we come back from the recess for the elections in November to deal with this critical issue which deals with our doctors and Medicare, but at this moment in time, I have to object to proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard.

The morning time for morning business has expired.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

HONORING THE GOLD STAR AND BLUE STAR MOTHERS

Mr. ALLARD. Mr. President, 70 years ago, Congress passed a resolution proclaiming that the last Sunday in September be designated as Gold Star Mother’s Day. As we approach the last week before the elections in November, I would like to take this opportunity to recognize the Gold Star mothers throughout the country and particularly those in the State of Colorado.

I hope we will all take time this Sunday, September 24, to honor these mothers and fathers who have so bravely endured the loss of a son or daughter killed while serving in the Armed Forces. Colorado has lost many young men and women to combat since the horrendous attacks of 9/11. One day is not long enough for us to ever fully honor these parents who have had to suffer the unmanageable pain of losing a child, but we will try.

Across the State of Colorado and across the Nation, many of these mothers have come together not only for support but also to volunteer their time, serving veterans and families of service members, encouraging and national pride, and honor their children through service and allegiance to the United States. Through their volunteer efforts, they keep alive the memory and spirit of those whose lives were lost in the war. They continue to inspire compassion, strength, and faithfulness for all Americans.

To mark this weekend, the Blue Star mothers of Colorado will be hosting Colorado’s first Gold Star Mother’s Day weekend. There will be several events throughout the weekend celebrating the lives of those soldiers who so courageously gave the ultimate sacrifice for their Nation. Unfortunately, I will not be able to attend the ceremony myself, but my wife Joan and I send our thoughts and prayers to those who will be attending the event.

Words truly cannot express America’s gratitude for our Armed Forces and their service to this Nation. Those who have fallen serve a cause greater than themselves and deserve special honor. To their mothers and fathers: You, too, deserve special honor as you continue to carry on the patriotic duties and legacy your sons and daughters sadly could not. I thank you for your courage and for your service to the United States of America.

Over the last 3 years, our Nation has been locked in a terrible struggle, against radical extremists across the Middle East. I readily admit this fight is one we did not anticipate. But I do know that every life given in the name of freedom has not been given in vain. Yet despite our challenges, we have seen tremendous progress, especially toward helping to create partners in our fight against terrorism.
worldwide. Indeed, much of our success depends on the men and women in the new democratic governments formed in Iraq and Afghanistan, and they are stepping up to the challenge. In Iraq, people from all walks of life—Sunnis, Shiites, Kurds—have participated in multiple elections and referendums across the country for the first time in Iraq's history.

Remarkably, after democratic elections in Afghanistan, women are holding positions of power in local and national governments, something that was impossible under the Taliban’s rule. The sovereign governments are working with regional and international partners in achieving united democracies—an achievement only allowed through our fighting men and women in combat.

Many remarkable achievements have been made through the sacrifices of the men and women in the military, but perhaps the most important of all is what has not occurred in our country: since we took military action against these Islamic extremists and brought the fight to them, we have not seen an attack on American soil. The sacrifices that the sons and daughters of our Gold Star mothers have made and continue to make are protecting us on our shores. Unfortunately, we have seen that even after the death of terrorist leaders, such as Abu Musa'ab al-Zarqawi, the forces of Islamic extremists are that they will continue to wage war against American civilians. Our success against this type of enemy is only ensured by the brave men and women of our Armed Forces. They provide safety and security to our Nation, and we are truly grateful for what they have done.

While the cost has been high, the cost of doing nothing would be even greater. These words provide little comfort to the families who have lost loved ones, but we will always remember the lives they have lost in support of our freedom and thank them for their sacrifice.

I ask unanimous consent that a list of fallen heroes from Colorado be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
Pfc. Ryan E. Reed
Sgt. 1st Class Randall S. Rehn
Staff Sgt. Gavin B. Reinke
Sgt. Luis R. Reyes
Pfc. Andrew G. Rankel
Capt. Russell B. Rippetoe
Sgt. 1st Class Daniel A. Romero
Lance Cpl. Marjorie L. Rund
Staff Sgt. Barry Sanford
Staff Sgt. Michael B. Shackelford
Cpl. Christopher F. Sitton
Lance Cpl. Thomas J. Soury
Lance Cpl. Jeremy P. Tamburello
Staff Sgt. Justin L. Vasquez
2nd Lt. John S. Vaughan
Capt. Ian P. Voss
Spec. Dana N. Wilson
Sgt. Michael E. Yashinski
Mr. ALLARD. Mr. President, in remembering their lives, we also honor and celebrate the joy they brought to their families. To the Gold Star and Blue Star mothers and fathers: I salute you and thank you for your service to this Nation.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, in his recognition of these phenomenal mothers and fathers who have borne the ultimate sacrifice of losing one of their loved ones, one of their children in pursuit of our freedom and justice around the world.

Mr. ALLARD. Mr. President, I thank the Senator from Idaho. We truly appreciate his leadership on the Veterans' Affairs Committee. He is doing a great job.

Mr. CRAIG. I thank the Senator.

DRILLING FOR AMERICA'S OIL

Mr. CRAIG. Mr. President, I come to the floor today to talk to our colleagues about something going on in America at this very moment that is probably the most pleasing to the average consumer. I came to the floor of the Senate over a month ago to deliver a speech using this map, I called it the “No-Zone Speech.” I called it the “No-Zone Speech” because all of these red areas around our Nation, our shores, in the Outer Continental Shelf, are no-zones to oil exploration and development. Why? Because we have said politically we don’t want to go there. Yet it is believed by the U.S. Geological Survey that in the no-zones rests maybe 80 billion or 90 billion barrels of oil.

I gave that speech in late July of this year at a time when we were debating a very small area down here that could supply upwards of 3 billion or 4 billion barrels of oil, known as lease sale 181. The Senate finally got it, worked out their differences, and passed that legislation. They are now working with the House to try to resolve those differences.

But something phenomenal has happened at the gas pump. During the time I delivered the speech, the Senate was working on lease sale 181, and American consumers were paying over $3 a gallon for their gas. What happened? If you went to the pump yesterday in certain parts of our country, you paid less than $2 a gallon, and in my State of Idaho you are paying 30 cents or 40 cents less a gallon than you did in late July or early August. What happened?

Let me tell my colleagues what we think happened. It is about the very real benefits America derives and becoming less dependent upon foreign, unstable sources.

About a month ago, Chevron announced they had discovered in the gulf in what is known as deepwater an area of 9,000 feet below the ocean's surface, and 8,000 feet below the ocean's floor, possibly one of the largest oil find discoveries in the history of the United States. That announcement, coupled with the fact that there had been no hurricanes in this area, coupled with the fact that all of the oil development and refinement that was taken off line by Katrina is now back on line and operating, and the reality that there was a new reserve of oil that was secure to our Nation and not dependent upon a foreign unstable political power, changed the dynamics of the oil market.

The $70-plus a barrel for crude that refiners were paying in late July was always believed by many of us who study the market to have $20 of the $70 as purely speculative price. That is gone. That is absolutely now because of this very large discovery down in the gulf and the reality that the Congress is going to act responsibly for the first time and allow some development, some exploration in the no-zone.

To think we could become increasingly independent of unstable foreign sources of oil would be phenomenally important for this country, our economy and, most importantly, for the consumer. I am quite sure that the person who pulls up to the gas pump in Mid City USA today and is paying 20, 30, 40, 50, 60, 80 cents to a dollar less than they paid a month ago is a pretty happy person and they ought to be. But, more importantly, they ought to be recognizing what they should be asking the Congress of the United States to do, and that is to advance the development of drilling in the no-zone. The President of the United States is a Senator from Alaska. She and I and others have worked for years to develop the rest of the oil reserves in Alaska in the ANWR
area, where there could be 30 billion or 40 billion barrels of oil, but America’s politics has said no, and America’s consumers have suffered. Then we work our way down the coast, down through California and all the other areas where the price of those areas say, no, you can’t drill here, and yet we believe there are trillions of cubic feet of gas and potentially billions of barrels of oil.

I have worked on the Energy Committee of the Senate since 1990. I have watched as America has worked to, and watched American consumers and the oil industry of our country becoming increasingly dependent on foreign sources. In 1990, it was about 40 percent dependency, and then 42 and then 45 and then 50 and then 55 and then 60. At the peak of this summer’s consumption, upwards of maybe 65 percent of our oil was coming from those unstable political regions of the world where, at any moment, a terrorist attack or the bombing of a ship could spike the oil market because the supply would diminish, and that is why we saw $70 a barrel for oil in speculative prices.

At just the moment when we are doing less sale 181, the new discovery happens in the gulf, and the market recognizes that $20 worth of speculation on risk goes away, and American consumers are beginning to recognize the value of being less dependent on foreign oil.

A very wise admiral a long time ago fought a very important battle with the politics of America and the politics of an old-style Navy, and his name was Rickover. He said: As long as our surface and subsurface Navy is dependent upon refueling with diesel fuel all over the world, we will not be free and independent. The politics of that was very rigorous. In 1982, Admiral Rickover delivered a speech before Columbia University where he talked about the battles that are being fought with the first nuclear-powered submarine. He said that the political battle to get the submarine was more difficult than the design of the submarine itself.

Well, that was then, and that was many years ago, and most of us have forgotten that political battle because what we now know is that most of our Navy, both subsurface and surface, is nuclear powered. From the time the new nuclear Navy vessel is built, slides from the drydock into the water, and begins its mission, and the world, it is never refueled.

The PRESIDING OFFICER (Ms. Murkowski). The majority’s time has expired.

Mr. CRAIG. Madam President, I ask unanimous consent to continue for 5 additional minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. So that Navy vessel never has to pull into a port anywhere in the world to refuel itself. It is totally independent. It can travel the world. It can go into the Indian Ocean where it would be very difficult to refuel a diesel-powered vessel, and it sails on. That is why we are the dominant naval power of the world today, because of the vision of a man years ago who said: We must be independent—energy independent of energy sources for our Navy.

Why can’t America demand energy independence for all of us? Can you imagine what would happen in our economy today if the hundreds of billions of dollars of oil that we buy from Iraq, from Kuwait, from Venezuela, and other unstable political areas of the world simply didn’t have to be paid? Instead we would pay producers in our country for developing the resources that our country still has in the no-zone. Can you imagine our strength as a country? Can you imagine our foreign policy if we didn’t have to recognize that we had to work to keep certain areas of the world stable? Could it happen that we could recognize, energy is a source of our very heartbeat as a country? They are the very source of the heartbeat of the economy of our country.

The recent discovery in the deep waters of the Gulf proves the point and proved it loudly, and the markets reacted, and the consumers are benefiting today.

This President gets it. He understands it. It is his first task as a President when he came to power was to develop an energy task force and to lay out for the Nation a national energy strategy that would move us toward energy independence. Oh, the gnashing of teeth, the ringing of hands that occurred on the floor of the Senate: We dare not drill in ANWR. We dare not go here. We must not do this.

During the course of all that rhetoric we became increasingly dependent upon unstable political areas of the world. If the United States, the American consumers began to pay the price a couple of years ago when gas went above $2 and then $2.10 and then 50 cents more and then $2.80 and, of course, this summer over $3 a gallon.

America’s farmers today are now paying $3.20 to $3.50 a gallon for diesel, and they can’t control their input costs. Many of them are finding themselves in financial difficulty because of the cost of diesel or the cost of fertilizer because, of course, it takes natural gas to produce fertilizer and nitrogen and phosphates.

America, wake up. America, get on your phone and call your Congressman and call your Senator and say: No more no-zone. Allow us to develop our resources and to do so in an environmentally sound way because we now have the technology. We proved it in the shallow waters of the gulf a decade ago. We are now proving it in the deep waters of the gulf as we speak.

Clearly America could be energy independent. There is no question about it. The ability of the farmer to produce corn that is developed into ethanol, the ability of our country to drill in the no-zone says that America could once again stand unafraid around the world as it relates to the political stability of the oil development and the oil-producing regions of a very unstable world.

The reason we are dependent today is politics, plain and simple. The reason the Senator from Alaska continually argues for the responsible and environmentally sound development up here in the northern reaches of Alaska is because we can do it and do it right, and there are billions of barrels of oil up there and trillions of cubic feet of gas. And America, once again, as Admiral Rickover understood decades ago, can be independent as she stands for other causes around the world.

What a difference a day makes. What a difference one oil find makes because that new Chevron oil find and that new trend in deep water may well increase our oil reserves by 25, 30, 40, 50 percent. I hope, if we were doing the rest of the development in this area, if we were doing the gas development up through Virginia and along the east coast, if we were developing offshore in California, if we were developing in the ANWR in Alaska?

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. CRAIG. Madam President, the reality is very simple and very obvious. It is all at the pump, and the American consumer. I hope we, as a nation, have awakened to the reality of what a difference a day makes in the price of gas and the impact on their family budget and their pocketbooks. Let’s drill and develop the no-zones.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURE FENCE ACT OF 2006—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6601, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 6601, an act to establish operational control over the international land and maritime borders of the United States.

Mr. CRAIG. Madam 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.
The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY FARM RELIEF ACT OF 2006

Mr. CONRAD. Madam President, I rise today to speak briefly about the legislation I introduced earlier this month, the Emergency Farm Relief Act of 2006. My bipartisan cosponsor now has 22 cosponsors in the Senate. As I have indicated, it is fully bipartisan.

We have a strong representation from both parties in the cosponsorship of the legislation. It is designed to provide much-needed relief to producers who have suffered from natural disasters in 2005 and 2006.

Let me direct the attention of my colleagues to the headlines from across my State last year. These headlines talk of massive flooding. In fact, last year in North Dakota, over 1 million acres could not be planted at all. Hundreds of thousands of additional acres were planted and then drowned out.

"Heavy Rain Leads to Crop Disasters."

"Crops. Hay, Lost to Flooding."

"Area Farmers Battle Flooding. Disease."

"Rain Halts Harvest."

"ND Anthrax Outbreak Grows."

Then were the headlines all across my State.

"ND Receives Major Disaster Declaration."

While we recognize that in 2005 the worst disasters were in the Gulf Coast, Hurricane Rita and Hurricane Katrina, there was another part of the country hit by disaster, little noticed, and that is my part of the country.

Last year, every county was declared a disaster county by the Secretary of Agriculture. This is what we saw last year: massive flooding all across North Dakota, especially eastern North Dakota.

In fact, at one point I went up in a plane and flew over southeastern North Dakota, and from horizon to horizon, all I saw was water. It was extraordinary, the worst cross-land flooding we have suffered perhaps in our history. It got virtually no attention except by those who experienced it. As I indicated, there were a million acres that were prevented from even being planted. They couldn't plant. They couldn't get in the field even to plant. We suffered an extraordinarily serious disaster last year.

Now, irony of ironies, this year we are suffering from drought. The scientists tell us this is the third worst drought in our Nation's history. This drought extends right now through the center of the country.

This is from what is called the U.S. Drought Monitor. It is a scientific evaluation of drought conditions in the country. It goes from abnormally dry to exceptional drought. The dark brown is exceptional drought. That is the most severe category. You can see the epicenter of this drought is right in North Dakota. The entire State of North Dakota is considered in drought condition. In our State, it goes from severe to exceptional drought. We don't have just abnormally dry or moderate; we are severe to exceptional drought in every part of our State.

This is the headline from the Grand Forks Herald in July of this year:

"Dakota is Center of Drought-Stricken Nation."

Experts say the dry spell is the third worst on record. In our entire history, this is the third worst drought, only eclipsed by the 1930s and an earlier period.

In July, Senator Dorgan, Congressman Pomroy and I, our Governor, and the agriculture commissioner of North Dakota went on a drought tour. This is what we found. This is a pasture in Grant County. It is virtually worthless for grazing. I could show picture after picture of what we saw.

One of the most amazing things we found was a corn crop that was irrigated—irrigated corn, and the kernels had not formed because we have not had moisture but we have had extreme heat. These are the temperatures for the month of July in North Dakota. All of those in orange are over 90 degrees, many of them over 100 degrees. You can see in the second week of July we had roughly 180 days. But the bottom line is, the real tale is told on July 30, when in my hometown it reached 112 degrees. That is why even irrigated corn did not produce.

Here is a picture from a Burleigh County cornfield. This is corn in the southern part of Burleigh County, which is my home county. You can see there is virtually nothing growing. It is like a moonscape. These are the conditions we faced all across North Dakota.

It is true that there are some places that had good crops, if you just had the right mix of weather conditions, even though there was drought. Perhaps they had irrigation or for some other reason they had a good crop, but much of North Dakota has been devastated. I am told by the bankers of our State that if we do not get help, 5 percent to 10 percent of the producers in North Dakota will be forced off the land. That is how severe this crisis has become.

During the August recess, I organized a drought rally in Bismarck, ND. Hundreds of farmers and ranchers came from all across the State. Our Governor attended, as did Senator Dorgan and Congressman Pomroy and our agricultural commissioner. The message was loud and clear: If there is not assistance that is meaningful, if it does not come soon, thousands of farm families are going to lose their livelihood.

That is the reality of what we confront.

In late August, the Secretary of Agriculture traveled to South Dakota. He proposed there a program that is totally and completely inadequate. The program he proposed is mostly money that is already in the budget. It is not new money, just a shuffling of the deck.

On September 12, the Secretary notified me that all North Dakota counties had been designated as primary disaster counties for the 2006 crop year. Why aren't we satisfied? Because all that makes available are low-interest loans. This crisis is so severe that more loans are just going to drive people deeper into debt and are going to further impair the productivity of the land.

On September 12, when the Secretary notified me that all North Dakota counties had been designated as disaster counties, it was also the day I joined by hundreds of farmers from across the country, dozens of Senators—colleagues from the House and Senate—at a press conference only a few yards from here. Thirty-four national farm organizations have announced that they are asking Congress to provide this disaster relief which is contained in my legislation; 34 national organizations have united behind my legislation.

So the question before the Congress of the United States is, Will we act and what act? In fact, this Congress will act, and I pray we will act in time. If we fail, thousands of farm families will be forced off the land and will lose their livelihoods. That is the reality we confront. That is why I urge the Members of the Senate act today. All I can do is ask colleagues to remember that when the Gulf States suffered horrendous disasters in Hurricane Katrina and Hurricane Rita, all of us came to help. We are asking for that same kind of attention now, as the center of the country suffers from truly a devastating drought. I will yield the floor, but before I do so, if I could just say to my colleague, Senator Nelson, I thank him for his leadership, as he has repeatedly pressed for this assistance to pass. I think we should say for the record that this assistance has passed in the Senate twice already, by overwhelming margins. In fact, there was an attempt to take it out of appropriation bills and 72 Senators voted for it. Seventy-two Senators voted to keep it in. So there is strong bipartisan support in the Senate.

Our problem has been that the President has issued a veto threat, and the House of Representatives so far has upheld that veto threat by refusing to consider the Senate legislation. We believe we should give them one more chance because now this drought disaster has deepened and been joined by, even worse, the economic impact of Hurricane Ernesto, which did enormous damage in North Carolina and Virginia, right up to Maryland.

Now is the time. People need help. They deserve it. This disaster assistance will only give help if people have suffered a loss of at least 35 percent. This doesn't make them whole. They would still suffer enormous losses. But at least it would give them a fair, fighting chance.

Now, I want to repeat, you only get help under this legislation if you have suffered a loss of at least 35 percent. It is not too much to ask that we provide
this kind of assistance to those who have suffered natural disaster. This is not regional legislation, it is national legislation. Anyone, anywhere, who has suffered a loss of at least 35 percent would be eligible for some assistance.

Again I acknowledge the leadership of my colleague from Nebraska who has been so persistent and so determined to get help to our producers.

I yield the floor.

Mr. NELSON of Nebraska. Madam President, I thank my colleague from North Dakota for his support and for his continuing interest and efforts to bring this to a conclusion.

I came to the floor last week as well in an attempt to provide much needed emergency relief to our Nation’s farmers, ranchers, and rural small businesses that have been devastated by the long running drought that I have nicknamed Drought David. Some have asked why I gave it a name, it is a slow-moving disaster that can linger over the course of years. In some places, Drought David is celebrating its fifth birthday, and in other places it is celebrating its seventh birthday. But by giving it a name, I hope we can give it the same kind of identity that is very often given to a hurricane which is named. It is not just a storm—it is Hurricane Ernesto or Katrina. I felt that giving this continuing drought a name would help give an identity so people could focus on this being a natural disaster, a devastation of major economic proportions to large areas within our country that can have the same impact in terms of economic losses as a very often a hurricane will cause in its wake.

At this time, I ask a simple question of the Senate: If not now, when? When will this Senate provide the relief needed by our Nation’s farmers and ranchers?

Unfortunately, my question was answered last week by the procedural tactics to block an up-or-down vote. So, today, I have two questions to ask my colleagues: If not now, when? And, most importantly, if not now, why? Why do the efforts to provide relief to farmers and ranchers suffering from this particular natural disaster when we provide relief, as we should, to others for natural disasters like hurricanes? Is relief from the Senate seriously behind solely upon the sensational nature of the disaster and the news reports of the disaster? If a Drought David were able to grab the headlines like a hurricane, would relief be constantly and consistently blocked?

That is not acceptable to me—and I am sure it is not acceptable to a majority of my colleagues in the Senate.

As Senator CONRAD has pointed out, at least on two occasions, we have already voted to provide this kind of relief, and now procedurally it is being blocked.

Last week, I told the Senate about the damage that drought has caused to farmers and ranchers in Nebraska. As my colleague has indicated, in the State of North Dakota, the damage is considerable.

I told the Senate last week about how the drought has cost Nebraskan farmers $98 million in crop losses and $193 million in livestock production losses. And still, the Senate refused to act.

Last week, I talked about how just this year the drought has cost Nebraskan farmers $98 million in crop losses and $193 million in livestock production losses. And still, the Senate refused to act.

Senator CONRAD and I and many of our colleagues have put together a comprehensive package to provide emergency funding to farmers and ranchers who suffered weather-related production shortfalls, quality losses, and damages and feed supplies. Our bill also helps farmers overcome the losses they suffered because of energy price spikes after the hurricane last year.

I warn my colleagues again that the devastating impacts of the drought threaten to drive many of our farmers and ranchers out of business. We no longer can expect family farmers to make a go of it day in and day out with these ongoing losses. People have said that maybe the Crop Insurance Program would be able to provide the kind of assistance that is required. No crop insurance program can ever provide year in and year out for a 5-year or a 7-year period of losses. It is not designed to do that, and it is not priced to do that. It is not equipped to do that, and actuarially it simply won’t work. It would be the equivalent of insuring your house, and every year for 5 years the house burned. You rebuild it, it burns again. No insurance program is designed nor will it function to take care of that kind of loss.

Without our farmers and ranchers, we cannot expect to continue to secure our national food supply. And without our farmers and ranchers, we cannot hope to grow our domestic production of alternative renewable fuels.

Again I ask, if not now, when? If we fail to act and by our inaction we allow farmers and ranchers and rural businesses to dry up under the devastating impact of the drought, then we have failed not only those farmers and ranchers and small businesses, but we have also failed our Nation because we will have failed to ensure our food and fuel security.

This is why I ask my second question: If not now, why? I think our farmers and ranchers deserve more than procedural gymnastics. They at least deserve answers from this body about why they will not get the relief they so desperately need.

I have spoken to my friend and colleague, Senator HARRY REID, and he has informed me that no one on the Democratic side of the Senate is going to block or will block an up-or-down vote on this relief.

I hope today as we ask this question for the consideration of this body we will make a bipartisan effort to bring about relief to these parts of the country that are undergoing such devastating losses.

I ask again, if not now, why? Surely the Senate can spare an hour of its day to provide more and more of our Nation’s fuel supply as well. Surely, we can find some time to vote for provision them the relief they need. I think they deserve at least that much.

That is why I am prepared to continue to fight for this relief and continue to work to get relief out to our farmers.

I know my colleague and others are also joining in that. One way or the other, I will work to get this done. If nothing else, I am going to continue to fight to get this emergency relief included in any continuing resolution that Congress will have to pass before it leaves in a week.

I ask my colleague from North Dakota if he needs to have any more time yielded to him.

If not, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3855, the emergency drought assistance bill, and that the Senate then proceed to its immediate consideration, the bill be read a third time, and without further intervening action or debate the Senate proceed to vote on passage of this bill.

The PRESIDING OFFICER. On behalf of the Senator from Alaska, I will offer my objection.

Mr. CONRAD. Madam President, I know that the occupant of the Chair is acting as a representative of her party, whatever her particular position might be. I want to lay it out on the record because I know the Chair can’t explain her own position and certainly is constrained by the rules from doing that. We don’t hold the Chair personally responsible in any way for this objection. We understand that she is required to do so. Any occupant of the chair would be so required. It is probably important to put that on the record.

Madam President, we deeply regret that there has been objection raised.
We deeply regret that we are not given the chance to pass legislation which has already passed this body twice before but that has been blocked because the President has threatened a veto and the House has so far gone along with the President.

Again, the Senate has acted twice in overwhelming numbers to pass drought relief. Goodness knows it is needed.

I was home just this last weekend. I was all across the northern tier of North Dakota. In all the locations, farmers came to me, ranchers came to me, and said, KENT, is there not an understanding in Washington what is happening here? Does no one care? If there is no response and if it does not come soon, thousands of us are going to be gone.

One of the most prominent bankers in my State, I say to my colleagues from Nebraska, came to me this weekend and said: KENT, if there is not a disaster relief, 10 percent of the farmers in my portfolio are going to be out of business. They will not get financing. They will not even get financing to go into the fields next year.

One of the farmers said to me: It has been 5 years since I had a normal crop. Before this extraordinary flooding, these extraordinary droughts—and I don’t pretend to know whether global warming or global climate change is part of this. What do I know is something is happening that is absolutely extraordinary for our part of the country. We have gone from massive flooding to massive drought this year. Flooding and drought of that proportion has never been seen before in my State—or at least rarely seen. On the drought monitor, they say this is the third worst drought in our Nation’s history.

We need to act. We are not asking to make people whole. They will not be made whole by our disaster relief bill. They only get help if they have at least a 35 percent loss. Then the help only comes to the losses over that amount.

We are not asking to make people whole. We are not asking that people have some big windfall. We are asking that people be given a fair fighting chance.

That has been denied today. But today is not the end of the story. We are going to come back. Again, we want to acknowledge this body has twice given the President an opportunity to partake in the heritage of the Senate. We appreciate that. Our problem is not in this body. Very frankly, our problem is in the other body and at the White House. That is where our problem lies.

I again want to thank very much my colleagues from Nebraska for his steadfast leadership on this issue. That is so important to the people we represent.

Mr. NELSON of Nebraska. Madam President, let me also acknowledge that the objection entered was not a personal objection by the Senator from Alaska but one procedurally required of her in her capacity.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, Ms. LANDRIEU. Thank you, Madam President.

ENERGY INDEPENDENCE

Ms. LANDRIEU. Madam President, I come to the floor to speak about an equally important issue to many of our States and follow up on the earlier comment by my colleague from Idaho on energy independence for the Nation, and the importance of that at this particular time to the Gulf of Mexico, America’s only energy coast and an area that I need not have to explain again is in one of the most challenging situations of its entire history.

I want to associate myself with the remarks of the Senators from Nebraska and North Dakota regarding the drought.

We have had similar droughts, amazingly, in our State, even with the hurricanes. But as Senators who represent farm State communities, agriculture is very important to the State of Louisiana. We have been in a situation that they have been in. I know people think of us as a State with a lot of rain, and obviously a target for hurricanes, but we have also been stricken by serious drought and floods.

The point of my comment about what was said is this: Sometimes things happen out of the ordinary, extraordinary situations, as they have just described, which deserve an unprecedented and extraordinary response.

I know we in Washington deal with that very well because we like everything that is sort of in the box, but we also don’t like everything to kind of be an extraordinary circumstance. When extraordinary circumstances happen, we need to make a quick and appropriate response. It is most certainly appropriate for these Senators to come to the Senate and ask for a quick and immediate response to part of our Nation. This drought is not just, of course, in Nebraska and North Dakota. The pictures have shown pockets of severe and unprecedented drought, and whether it is because of global warming or whether it is just because of the severe weather patterns caused by something else, we can debate that until the cows come home. The fact is we have farm communities, rural communities, suffering right now. They need our best effort. I support seeing what we can do to help.

NATURAL GAS IN THE GULF OF MEXICO

I will speak this morning for a few moments about an issue which is almost equal to the concern of farmers in America; that is, the price of natural gas. Farmers, like many industry groups, use natural gas. In their case, fertilizers are produced using a lot of natural gas, and fertilizers go into the farmers’ fields.

Natural gas is also used as a raw material to create virtually 50 percent of the products created in American gas. And we have a great shortage. It is driving the price high, historically high—not the highest it has ever been but historically high.

The only way we can get the price of gas down—and we need to; that is what the Senator from Idaho spoke about, energy independence and stabilizing prices—is to increase the supply and to make the supply sources more diverse. We have seen, we have seen so industries, if the price of gas is high, can use coal, or the price of coal is high, they can use oil, or if the price of oil is high, they can use alternative fuels or ethanol.

We have been in a mad dash against time to expand our source of fuels and to increase the supply, where we can, in the most environmentally sensitive way possible. It has been a debate which has gone on for decades. It will continue to go on for decades because some States produce natural gas, some produce coal, and some do not produce any of that and have nuclear powerplants and think that is the way to go. Some of us have more wind than others, some of us have more sun than others.

This is a debate which is natural in a democracy. Just because it is difficult does not mean we have to stop trying. We have to press forward on the issue of a greater supply and greater independence for America. We are dangerously dependent on foreign sources of oil and gas.

Madam President, 72 Senators—unprecedented in this day of partisanship, in this day of not even being able to agree on the time of day or the weather conditions outside—72 Senators came together under the leadership of Senator DOMENICI, the chairman of our Energy and Natural Resources Committee. The Presiding Officer serves on that committee and has been a wonderful voice of reason for the Senate. We passed a bill to open more supplies of gas in the Gulf of Mexico.

The Senator from Idaho showed a much larger and more colorful chart. I thought his looked terrific, and I will ask to borrow it one day, but I do not have it at this moment and this chart will suffice. It shows areas that are basically off of production. The white areas off the Atlantic coast, the coast of California, and around Florida have not been open to production for the last 35 years. There are many reasons—some of them good and some of them not good—we can’t drill in these areas.

We will continue to debate for decades to come what to do off the shores of Washington, Oregon, California, Florida, Georgia, South Carolina, North Carolina, Virginia, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine. That debate will go on for the next many years. I yield the floor of that debate, and my colleagues will be on the other. I believe you can access resources appropriately. However, we are
not going to resolve that issue in the next week. We are not going to resolve that issue in the next month. I predict we will not resolve that issue for the next year. However, we have farmers in the Dakotas, Nebraska, Louisiana, Texas, Mississippi, Alabama, and Kansas who are unable to make long-term capital decisions because this Congress can’t figure out, this leadership can’t figure out how to get a bill passed that opens gas and oil in the Gulf of Mexico. It would not be opened without a bill. It can’t open without a bill.

Maybe in the “plan”—lots of things are in a plan. I have plans for my house, to decorate. That is not to say it is going to get done because there is something to do in my house—my husband—who has ideas of his own about how this works. Just because you have something in a “plan” doesn’t mean it is going to happen. Just because MMS has these things in their plan does not mean it will happen, but it could happen with a bill that we could pass. If our bill is law, obviously it will make it happen.

I will show the picture of the gulf here. This is what the Gulf of Mexico looks like. It is a project. The bigger picture was white spaces with no one else drilling. These are all the drills, the yellow are the leases, and these are the active wells. We are producing 10 percent of the Nation’s needs from here. We are proud to do it. We will keep doing it.

There is still a lot of white space we could open. That is what we are trying to do—open a little off the Alabama shore, give Florida the buffer they have asked for. Some people do not agree with that, but we had to come to terms with the situation in Florida. Their State is divided on this issue. Some people in Florida want to drill, some people don’t want to drill. This was a compromise, as is everything here, and we figured out a way to give Florida a buffer, open up some more oil and gas drilling.

The next chart shows the area we came up with after a lot of work. This lease sale that we could open up 9 million new acres of oil and gas. This will not solve my colleagues’ problem. Senators KENT CONRAD and BEN NELSON, it will not solve their drought problem, but it will give relief to farmers everywhere when the gas prices come down and the oil and gas starts coming on line.

To put the 9 million acres in perspective—and the Presiding Officer will know this is better than anyone—we have fought for 40 years over whether to open ANWR, and ANWR is 6,000 acres. And our debate for 40 years has been about whether to open 2,000 acres.

Our bill—and we have 72 Senators, Democrats and Republicans—led by Senator DOMENICI—will open 9 million acres. But some people around the Capitol don’t think that is a significant step. They do not think that 9 million acres makes a difference. They just think this is nothing and we should keep working until we can get everything opened, and they are sure that will happen next year.

I will share the national membership list of the Consumer Alliance for Energy Security. There are probably 100,000 organizations, led by corporations, nonprofit organizations, agriculture, chemical, consumers, manufacturers—the list goes on. It is a very broad-based list. It is not just an industry list; it is retailers, et cetera—the commerce, Chambers of Commerce, the Forestry Association, environmental organizations that understand this country is at great risk unless we open access, that understand we need to do it a step at a time. We are making progress, but we have to take this a step at a time. We want to take this step now.

I ask unanimous consent to have this list printed in the Record to indicate that this group is on the record wanting greater access on the issues I am speaking about.

There being no objection, the material was ordered to be printed in the Record, as follows:

**CONSUMER ALLIANCE FOR ENERGY SECURITY**

**NATIONAL MEMBERSHIP LIST**

Albemarle Corporation, Alcoa Inc., and Sealant Council, Inc.; Advanced Service Corporation; Agriculture Energy Alliance; Agriculture Retailers Association; Air Liquide; Air Products; Aluminum Association; American Forest & Paper Association; American Gas Association; American Fiber Manufacturers Association; American Iron and Steel Institute; American Public Gas Association; Arizona Chamber of Commerce; Arkema Inc.; Ashland Inc.; Associated Oregon Industries; Associated Oregon Loggers; Bayer Corporation; Bowater. Carus PROMOTIONAL: CF Industries; Chemtura Corporation; China Mist Tea; Ciba Specialty Chemicals; Citation Homes; Colorado Business & Economic Association; Association of Wheat Growers; CoTransCo; David J. Cole & Associates; DeGren Wealth Management Corporation; Dow Corning Corporation; DTE Energy; Duane Ankeny, Mining Co.; DuPont; Eastman Chemical; East-Lind Heat Treat, Inc.; Energy Links Incorporated; ESAB Welding & Cutting; Executive Energy Services, LLC; Financial Energy Management, Inc.; General Equipment & Supply; Great Lakes & Associates; Denver Ministerial Alliance; Greenville Free Medical Clinic; Guardian Industries; Harnesses Glassman & Associates; Greater Metro Den; Glassman & Associates; Greater Metro Den; Government Services, LLC; Environmental Energy Services; Environmental Energy Services; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LLC; Environmental Quality Services, LL...
Homes; Hawkeye Renewable Corp.; Holmes Murphy Insurance; Industrial Energy Customers of America; International Paper; International Sleep Products Association; Iowa Farm Bureau; Iowa Health Services; Iowa Manufactured Housing Association; ITW, Inc.; J & K Realty; James Insurance Solutions.

Richard Engineering and Natural Resources, Inc.; Lansing Regional Chamber of Commerce; Latco Development; Latham Hi-Tech Hybrids; Living Waters Christian Center; Maccabees Corporation; MeadowWestco Corp.; Michigan Agribusiness Association; Michigan Chemistry Council; Michigan Farm Bureau; Michigan Floriculture Growers Council; Michigan Manufacturers Association; Milliken; Montana Chamber of Commerce; National Paint and Coatings Association; Nestlé Prepared Foods Company; Northwest Food Processors Association; Northwest Gas Association; Northwest Industrial Gas Users.

Oregon Association of Nurseries; Oregon Cattleman’s Association; Oregon Dairy Farmers Association; Oregon Farm Bureau; Oregon Forest Industries Council; Oregon Seed Council; Oregon Small Business Coalition; Oregon Growers Leasing Organizers; Oregonians for Food and Shelter; PPG Industries, Inc.; Panel Components Corp.; Pellett Petroleum Co.; Piedmont Natural Gas; Pipkin Mortuary Services, Inc.; Promote Montana’s打了; Printing-Industries of America; Quad County Ethanol; Resource Supply Management; Raymond; Rhine and Haas Company; Rubber Manufacturers Association; SC Chamber of Commerce; SC Forestry Association; Simkins Company; Skogman Realty; South Carolina Farm Credit Association; South Carolina Manufacturers Alliance; Southwest Gas Corporation; Springs Global; Steele Financial Services; Sully Cooperative Exchange; Terra Industries; Texas Community and Rug Institute; The Dow Chemical Company; The ESCO Industries Group; The Soap and Detergent Association; The Society of the Plastics Industry, Inc.; The Timken Company; Thomert, Inc.; U.S. Steel; Van Dietz Supply Company; West Central Cooperative.

Ms. LANDRIEU. But I want to go back to this 9 million acres. This will not only open our bill. It may be the beginning of the bill, but it is under moratoria. This section is under moratoria. It cannot be lifted with a magic wand. The only way it can be lifted is if we pass a bill to lift it. If we do not pass a bill, it will stay closed, and the oil and gas companies that have pipelines in the gulf, that have the infrastructure in the gulf, that have the expertise in the gulf will not be allowed to drill there. Meanwhile, prices go high, we lose manufacturing, everybody loses jobs in their States, and we wring our hands here saying we cannot do anything.

Well, we can do something. Chevron did something pretty big last week or 2 weeks ago. Chevron and some of its partners discovered a major oil and gas find, which is right here on the map. Look how small this is. It is just one of these little dots, just one of them. It is so tiny on the map, but it is so huge. This one discovery of Chevron called the Jack Rig—the Jack find—and several right here in the deep water of the Gulf of Mexico will double the reserves of the country’s oil.

It is a significant find. It is as significant as finds in Saudi Arabia. It is surprising, in some sense, to some people who thought we drilled everything we could in America. But the fact is, Americans are a pretty smart group of people. And our partners around the world, with whom we make partnerships, can usually figure things out pretty quickly. And the right ingenuity and with necessity, we can find oil and gas in places we never thought we could.

This well is 28,000 feet deep. They found oil and gas—what is going to be a great help in the event we continue to have problems in the Mideast, if we continue to have problems in Venezuela. It does not look very promising there to me right now.

This is one small, little dot. It is probably not more than—I am not sure—maybe a couple hundred acres. So when people say to me: Senator, your bill or Senator DOMENICI’s bill that opens 9 million acres does not do anything—and I look at what the Jack Rig did, which is right here—I have to tell them I don’t buy their argument, and I don’t think the American people do.

Opening more area in the Gulf of Mexico where the infrastructure is, where we have reserves, and because the information is proprietary—and you can understand why it is proprietary because this is a competitive business. All we can find out, according to the geologists who made this discovery, is that they have tapped into a “fairway”—which is the way it was quoted in the newspaper—a “fairway” of oil and gas, ready reserves within our grasp in the area that is used for drilling, with people who know how to work on the rigs, in a political environment that is safe.

And we cannot, and will not, before we leave next week, take this step because we have to wait to open drilling all over America off the coast? I do not think that is a wise decision. I think that we should take the steps now that we can take, establish revenue sharing, which is part of the bill for Texas, Louisiana, Mississippi, and Alabama and allow these States to be full and equal partners in sharing the benefits of these resources because we most certainly share the burdens of pipelines, that while we are proud of them, they most certainly have an erosion factor.

Our wetlands are being lost at an alarming rate, and I have spoken about that many times—not just because of the impacts of oil and gas, which are somewhat contributor to this situation, but mostly because this mighty Mississippi River, which also serves the Nation’s economy in a very significant way, has been barged into in the centuries, and it cannot overflow like it used to. So the land cannot replenish itself. And so it continues to subside. And with global warming, it is now exacerbated. But that is not the subject of this debate.

We will put our money to great use in Louisiana. Every environmentalist should be very happy to know that our money is going to be used to protect and preserve this great wetlands, which is an enormous treasure for the Nation, and one that gives so many benefits, and, most importantly, with the recent hurricane, it helps protect great cities, and not just Louisiana communities, but also protects Mississippi. We are happy to protect our neighbors when we can.

This wetlands protects the gulf coast, and we need to get it restored for the benefit of both the States of Mississippi and Louisiana. And it creates another spill—should there be a storm, to Alabama, should the storm come this way. It will hit us first before hitting Mississippi or Alabama, and our wetlands reduce that surge. Having said that, we need to press on with a pro-production bill in the Gulf of Mexico, laying the foundation, as Senator DOMENICI has suggested, for revenue sharing.

Now, I would like to read into the RECORD statements that have been made by Republican Senators, not Democratic Senators, although I do have one of those on the other side or some people in the Capitol and other people are saying it is just the Democrats who are stopping this broader drilling bill, and if Democrats would just get their act together, we could get it done.

Nothing could be further from the truth. There are some Democrats opposed to the broad drilling bill, but there are many Republicans here opposed to the broad drilling bill.

Let me read one of the statements. And I am sure Senator GRAHAM from South Carolina would not mind me reading his statement into the RECORD. But for the purposes of this debate, they are statements by Republican Senators who strongly support the Senate version, and why they support the Senate version, because I want to communicate that some people on the other side are saying in the Capitol and other people are saying it is just the Democrats who are stopping this broader drilling bill, and if Democrats would just get their act together, we could get it done.

Nothing could be further from the truth. There are some Democrats opposed to the broad drilling bill, but there are many Republicans here opposed to the broad drilling bill.

I do support passage of S. 3711, but I do not support the bill passed by the House of Representatives earlier this year. The careful compromise that is the Senate bill cannot be found in the version passed by the House. I will not support any legislation that opens South Carolina’s coast to drilling for oil. . . . I . . . encourage my colleagues in the House that if they are truly serious [they will live to the framework of the Senate bill].

Now, he said “for oil.” He may be willing to open it for gas. I will grant you that. And the House bill allows a choice between oil and gas. But, like I said, that debate is complicated. It is multistate. It will take much longer than the week we have, much longer probably than even next year. And the need is immediate and the need is great.

I know my colleagues have come to the floor, and I asked for 20 minutes, so I am going to wrap up my remarks in about 1 minute to give others an opportunity to speak.
Let me quote from Senator Martinez, a Republican Senator from Florida:

I will take a moment to thank [the House] for their diligence and vigilance. I will thank the House Members for their good work. I cannot support the House version. I have had clear assurances from our leaders [here in the Senate] that we are committed to working from the framework that is before us. That has been important to me, and while I respect the hard work of our House colleagues [on this subject],

And we have some great leaders in the House, both Republicans and Democrats—those are my words. He goes on to say:

and their autonomy as a body of Congress—

He says he respects that, but we must prevail in the Senate version.
Senator Russ

Many of my colleagues have expressed concerns about the Gulf of Mexico bill, and they stem from what is in the House bill. They said they do not want to lift the moratorium as the House bill would do.

So even Senator Warner, who supports drilling off the coast of Virginia and has made his position clear, understands there is still work to be done in order for that to happen.

Mr. President, in conclusion, let’s not make the perfect the enemy of the good. Let’s not tell our agricultural community, our manufacturing community, our utilities, our petrochemical industry to wait when we have a bill that will open 9 million acres of gas and oil, provide great companies such as Chevron and others the opportunity—both big oil and independents that create a lot of jobs—to explore more here safely off our coast.

It increases our economic strength. It produces jobs immediately. It lowers energy prices for all consumers. And it does make our Nation more secure.

I am going to close with this: I do not know how my colleagues feel about being beholden to the politics of the Mideast right now. I do not know how my colleagues feel about being beholden to the politics going on in Venezuela. I do not feel comfortable with it. I do feel comfortable about the politics of Louisiana, Mississippi, Alabama, and Texas. They are Americans. And we have our deal together. We want to drill for all Americans, for the security of our Nation.

Please, allow us to give this country more oil and gas. Please allow us to lower prices. And let’s take it a step at a time. I promise my colleagues—the Senator from Pennsylvania knows very well the people in Pennsylvania need relief. I say to the Senator, they cannot wait another year or two. They need it now. He knows that well. He has been a strong advocate for his people in Pennsylvania. But we have to open this up now. And we will come back and work offshore Alaska, offshore some of the former States, when their Governors and when their legislators and when their political leadership can get their neighborhoods together.

But the neighborhood of the gulf is together. Our Governors are together. Our Senators are together. And our people are together. We want to do this for America. Please let’s do it.

I yield the floor

The PRESIDING OFFICER. Mr. Ensign.

The Senator from Pennsylvania.
ENERGY SECURITY

Mr. SANTORUM. Thank you, Mr. President. I will pick up where the Senator from Louisiana just left off, and congratulate the Senate Energy and Natural Resources Committee for their diligence and vigilance in support for energy security in this country.

This is a huge issue. It is actually the reason I came to the floor to talk today, to talk about energy security. I am going to talk about a comprehensive approach in place as a little tidbit or a big part of that comprehensive approach is the passage of the legislation the Senator from Louisiana has talked about in additional things she has talked about that we would like to do. If we could do them this year, great, let’s try to do them this year.

Let’s try to do more OCS this year. But let’s get done as much as we can do this year. But let’s pass the Senate bill. If there are additional provisions we can accomplish this year to—the Senator from Alaska is here behind me. The Senator from Louisiana mentioned the Commonwealth of Virginia, and that’s what we’re trying to get those done. Maybe there are some other things we can add, maybe in different pieces of legislation, to move this ball forward. There are conference reports that are going to be coming out, and it is not convenient for the Senate to get those done.

So I would like to see that done. I congratulate the Senator from Louisiana, as well as all of those who have stepped forward—the chairman of the Energy Committee, obviously, Senator Domenici, and Senator Stevens, who is here on the Senate floor—for all of their efforts to try to do something that I think is vitally important.

I think the Senator from Louisiana put it in the right context. The context is that we are at war with a group of people we are funding because of the high cost of energy. Let’s just be very honest about it. This is a very serious war we are involved in, and we are directly contributing huge amounts of American resources to the people who would like to destroy everything we believe. That is a country that is on a mission of suicide. We need to have more energy security because that leads to better national security.

(The remarks of Mr. Santorum pertaining to the introduction of S. 3926 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. SANTORUM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor today to remind the Senate Committee on Finance that reported to the Senate a bipartisan bill, the Senate communications bill, and it is critical that the Senate consider this bill on the floor.

It is a bill that is good for the consumer. This bill seeks to reduce phone rates for our troops overseas. It makes available immediately $1 billion for our first responders. That is money that has been held in the Treasury since last December awaiting authorization for this money to be released.

This money will be used to train, coordinate, and provide interoperable communication to those first responders. This is money they absolutely must have.

This bill creates caches of emergency communications equipment which will be located throughout our Nation, equipment that is absolutely necessary in the event of an emergency, particularly emergencies caused by terrorist activity in the future.

This bill encourages broadband deployment for consumers. We are behind the world in deployment of broadband. This bill reduces consumer cable rates, a step that is vital to ensure that our people can continue to expand the use of cable in terms of communication.

This bill creates choices for consumers for both video and phone service. It is a bill to level the playing field between the various providers of communications capability for all Americans.

This bill will broaden the base for universal service. This is a concept that makes communications available to rural America which is critical, and it is critical to consider a way to make it more affordable and to make sure that the contribution required from users of our communications system is as small as possible, but at the same time meets the needs so that every American can have available communications.

I believe availability of communications is a new right for American citizens. Everyone must have the ability to learn of emergencies and have the ability to communicate.

This bill exempts the Universal Service Fund from the Antideficiency Act. That will be good for our Nation’s schools and libraries that rely on universal service funding. It is necessary because of the fluctuations in the use of this fund, and it should not be considered under the Antideficiency Act.

This bill permits municipalities to provide broadband service throughout...
America in both urban and rural communities. The so-called Wi-Fi concept will be expanded.

The bill expands access for the blind and hearing impaired to the voice over the Internet. VOIP is a brand new system. It must be available to those with disabilities, as well as all other Americans.

There is wide support for the Senate communications bill. Several days ago, a letter that was signed by over 100 companies went to our leaders was made available. These are companies involved in the manufacture, design, and construction of telecommunications networks. These 100 companies express support for our bill because it encourages broadband deployment. They support the bill’s lighter regulatory approach to the concepts of net neutrality.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I want to read the letter. The letter is addressed to Senator BILL Frist and Senator HARRY REID, the two leaders of our parties in the Senate. It says:

Dear Senators Frist and Reid:

As leaders in the networking and communications industries striving to produce new technologies for our nation and the world, we are pleased to support the Advanced Telecommunications and Opportunities Reform Act (H.R. 5252) as approved by the Senate Commerce Committee. It is our hope that the full Senate will approve this legislation in the very near future.

We are particularly pleased that an Internet Consumers Bill of Rights has been incorporated into this bill to address the so-called “network neutrality” issue. We believe this approach to net neutrality will ensure that consumers have access to the content of their choice.

We are strongly opposed to the adoption of mandated net neutrality regulation sought by large Internet content businesses for a number of reasons. First, the Internet has benefited from the relative absence of regulatory restrictions, which has allowed content businesses to grow and prosper. Congress has wisely refrained from burdening this still-evolving medium with regulations, except in those cases where the need for policy action has been clear, and it can be narrowly tailored. This is not the time to deviate from the traditional approach.

Second, it is too soon to enact network neutrality legislation. The problem that the proponents of network neutrality seek to address has not manifested itself in a way that enables us to understand it clearly. Legislation aimed at correcting a nebulous concern may have severe unintended consequences and hobble the rapidly developing new technologies and business models of the Internet.

Third, enacting network neutrality “place-holder laws” could have the unintended effect of dissuading companies from investing in broadband networks.

We believe Congress would benefit from objective analysis of the claims made on both sides of this debate, and that protecting consumer access while requiring the FCC to study the issue is a reasonable way to proceed.

Thank you for your leadership on this legislation. We stand ready to build the world-class products that will be available to consumers as a result of the increased investment this bill will promote.

It is signed, as I said, by 100 companies.

By supporting this bill, because it encourages broadband deployment, they support the lighter regulatory approach to net neutrality, as I said. There has been much debate on this issue in the Senate Commerce Committee, in the House committees, on the floor, in newspapers, and in the “blogosphere,” as it is called now. But some Senators still prevent full debate on this issue on the Senate floor. It is time now for the Senate to allow debate on this bill to start. America needs this bill.

EXHIBIT 1

September 19, 2006.

Hon. BILL Frist, Republican Leader, U.S. Senate, Washington, DC.

Hon. HARRY REID, Democratic Leader, U.S. Senate, Washington, DC.

DEAR SENATORS FRIST AND REID: As leaders in the networking and communications industries striving to produce new technologies for our nation and the world, we are pleased to support the Advanced Telecommunications and Opportunities Reform Act (H.R. 5252) as approved by the Senate Commerce Committee. It is our hope that the full Senate will approve this legislation in the very near future.

We are particularly pleased that an Internet Consumers Bill of Rights has been incorporated into this bill to address the so-called “network neutrality” issue. We believe this approach to net neutrality will ensure that consumers have access to the content of their choice.

We are strongly opposed to the adoption of mandated net neutrality regulation sought by large Internet content businesses for a number of reasons. First, the Internet has benefited greatly from the relative absence of regulatory restrictions, which has allowed content businesses to grow and prosper. Congress has wisely refrained from burdening this still-evolving medium with regulations, except in those cases where the need for policy action has been clear, and it can be narrowly tailored. This is not the time to deviate from this posture.

Second, it is too soon to enact network neutrality legislation. The problem that the proponents of network neutrality seek to address has not manifested itself in a way that enables us to understand it clearly. Legislation aimed at correcting a nebulous concern may have severe unintended consequences and hobble the rapidly developing new technologies and business models of the Internet.

Third, enacting network neutrality “place-holder laws” could have the unintended effect of dissuading companies from investing in broadband networks.

We believe Congress would benefit from objective analysis of the claims made on both sides of this debate, and that protecting consumer access while requiring the FCC to study the issue is a reasonable way to proceed.

Thank you for your leadership on this legislation. We stand ready to build the world-class products that will be available to consumers as a result of the increased investment this bill will promote.

Sincerely,


Entropi, Inc.; FiberControl; FiberSource, Inc.; Finisar Corp.; Hammerhead Systems Inc.; Hatteras Networks, Inc.; Hitachi Telecom (USA) Inc.; Howell Communications; Independent Technologies Inc.; Katolight Corp.; KMM Telecommunications; Leapstone Systems, Inc.; Lightel Technologies Inc.; LineOne; MasTeC Inc.; MBE Telecom, Inc.; Metrotel Corp.; Microwave Networks Inc.; Motorola, Inc.; MRV Communications, Inc.

NeoPhotonics Corp.; Neptco, Inc.; Norland Products Inc.; Nortel Networks Corporation; NorthStar Communications Group, Inc.; NSG America, Inc.; Nufon; OPS; Omnitron Systems Technology, Inc.; OnTrac, Inc.; Optical Zonu, Inc.; PECO II, Inc.; Preformed Line Products, Inc.; Raycom Communications Cables and Systems USA, LLC; Qualcomm Inc.; Quanta Services, Inc.; Redback Networks Inc.; Roebelen; Sheyenne Dakota, Inc.; Sigma Designs Inc.


The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to make some comments regarding the pending business, H.R. 6061, the act that came to us from the House of Representatives which is titled the Secure Fence Act of 2006, the essence of which would provide the authority for the United States to construct a variety of features across large portions of our border with Mexico to prevent illegal immigration.

The point of this legislation is, of course, to follow through with a series of appropriations which we have now provided for to enhance our ability to put National Guard troops at the border, construct more fencing, construct more roads, more vehicle barriers,
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more sensors, more lights, more cameras, and provide more Border Patrol to patrol this large area of our border.

The combination of all of these, personnel and infrastructure and technology enhancements, will enable us to gain more control of our fencing. It is not new, and I am pleased that as a result of the appropriations we have passed over the last couple of years, we are now beginning to see our efforts pay off. In many areas of the border, the enhanced security is paying off. It is not perfect, but it is not at all impossible. All you need are high and it is hard to get over them end and welded together, embedded in concrete pilings, and represented a barrier on our coast. They are high and it is hard to get over them but not at all impossible. All you need is a ladder on the other side of the fence and a willingness to fall down and maybe break an arm on this side, and a lot of people do that.

The fencing is deteriorating. It is very difficult to repair because of its age. And for the Border Patrol, they cannot afford to pay for our fencing. It presents a disadvantage to them because they can’t see who is amassing on the other side of the border. They can’t see where rocks are being thrown from, and now rock-throwing has been a highly dangerous problem for members of the Border Patrol. So they would prefer to have either single or, even better, double fencing which they could see through and which is a more modern design than this landing mat fencing. So far from being a wall, what is contemplated in this legislation is exactly the opposite. It involves a fence which you can see through combined with other kinds of technology such as vehicle barriers, cameras with which we can see illegal entry, sensors with which we can detect it, and lights which help us to see.

Now, we are not going to put the fencing along the entire border, obviously. In some parts of the border, particularly near urban communities, where there will be large areas of desert and other areas, the legislation contemplates vehicle barriers. This is important because in certain flat areas of the desert, a lot of vehicles are being brought across now. It is highly likely that are stored in the United States, taking the border, filled with some kind of contraband, be it illegal drugs or the human cargo the Coyotes pick up, and then they bring that across the border. Frequently, those vehicles are abandoned on our side of the border, representing an environmental hazard.

But what the Border Patrol has discovered is that as they have begun to get more operational control or jurisdiction over the border area because of the increased appropriation for the Border Patrol agents and vehicles and fencing and so on that we have already provided, the Coyotes and the cartels—the drug smugglers, the gangs—are fighting for this operational control of territory, and they are using weapons. What the Border Patrol tells me is that whenever they see a vehicle, they know it is a problem because it has a more valuable cargo and is likely to be defended with weapons. That is one reason they are so persistent on putting vehicle barriers in some areas of the border.

In some areas, fencing will not be appropriate, and cameras will do the job. I have been in the control rooms where we have one person able to monitor many different TV screens that represent the views of many different cameras, some of which are infrared, so you can see at night. This way, you don’t have to have fencing all along the border; you have cameras which can show you what is happening. When you are looking into the country, you are massing on the other side of the border, preparing to cross, the person in the control area calls the Border Patrol, and they are able to get to the location in time to stop the entry or to pick up the people and return them if they have already entered.

Again, you don’t need fencing across the entire border. It is not a wall. It is not a barrier. It is a combination of things which, working together, will enable us to secure the border.

I mentioned the environment because I think it is important for us to recognize that more fencing and these other technologies can actually help improve our environment. It does not degrade the environment. The illegal border crossing traffic has created thousands of new trails and roads on Federal lands in Arizona. I am going to submit for the RECORD the documentation of each of the things I am saying here rather than provide them orally, but for each of these comments I am making, there is documentary through hearings that have been held, through the reports that have been issued, through stories that have appeared in newspapers and so on.

For example, the Defenders of Wildlife notes that since 2002, 180 miles of illegal roads have been created in the Tortolita Mountain Bighorn Sheep National Refuge alone. This is a wildlife refuge we have set aside for the pronghorn antelope and bighorn sheep and other species we want to protect, and the entry of all of these vehicles, illegally creating these illegal roads, is destruction of the habitat, for example, for the bighorn sheep. The illegal roads divert the normal flow of water, and they rob native plant cover of the moisture it needs to survive. The proliferation of trails and roads damages the flora and fauna—the cactus, for example, and other sensitive vegetation—and disrupts and even prevents the revegetation of the area. You can see tracks in the desert that were created over 50 or 60 years ago, and it takes that long for this delicate desert to recover. That is one of the unfortunate results of all of this illegal immigration, which could be prevented with more vehicle barriers and fencing along the border.

The trails obviously create soil compacts and then erosion which, in other areas, results in damage. I have seen with my own eyes the tons of trash that is left behind. If you can imagine millions of people over the course of time trying to cross the border and leaving behind hundreds of thousands of plastic water jugs and items of clothing and elements in backpacks and the like, it is just incredible, what you see, and it creates all kinds of problems. This proliferation of trash and, by the way, concentrations of human waste, I would also note, impacts wildlife and vegetation and water quality. It detracts from the scenic qualities, obviously, and can affect human and animal health from the spread of bacteria and disease. Trash is also ingested by wildlife and livestock, which sometimes results in illness or even death of the livestock and wild life.
In the early 1990s, over 300 wildfires were caused by campfires of illegal immigrants, which additionally poses a threat both to the environment and to human safety in these areas. The damage is not limited to the components by human traffic.

As I noted, vehicles coming across create their own special set of problems. Abandoned vehicles are often left in place, and the burden of removing them falls to the Government, which has to try to get to traffic without creating new roads and trails and get them removed without causing even more environmental damage. If they are not removed quickly, they are often set on fire by vandals. They have fluids that leak into the watershed and into water courses.

As I said, further removal causes additional damage as the tow trucks are forced to navigate previously unspoiled areas of the desert.

Interestingly, the illegal immigrants frequently take vegetation from the environment to build shelters, and by taking a lot of the ocotillo cactus, for example, they are removing a very important species from the desert to build these camouflage, drug stashes, and temporary shelters.

Also, interestingly, when illegal aliens fill water bottles in the wetland locations, it has been determined that they have actually infected these protected Federal wetlands with invasive parasites and diseases which have been carried with them in the water levels which have harmed native fish and wildlife. In fact, in a report to the House of Representatives committee, according to this report, new tape-worms and fungi have already impacted populations of endangered fish and frogs.

So when we talk about the potential damage to the environment from the fences, it is easy to see that there is far more than a cosmetic to creating impediments to illegal entry which is creating the kind of environmental impacts I am talking about.

Just to give one summary impact, Coronado National Forest, which is on the border in the area of Tucson, experienced the following environmental degradation from the period 1996 to 2006: 298 abandoned motor vehicles, 300 miles of significant damage to environmental resources caused by off-road vehicles, and over 1,000 acres of plants and trees destroyed.

There is an interesting parallel with the fence which was built in the San Diego area. There was concern about the environment there as well. But not only has the construction of that triple fence in the area of San Diego virtually stopped illegal immigration in that area, it has significantly reduced crime on both sides of the border because the criminals who used to congregate in the area are no longer congregating in the area because they can’t get across. The triple fence in the San Diego area has significantly improved the environment in the area, with grasslands coming back and the return of protected species that hadn’t been reported in the area for years. I believe all of this is an important element in that debate, demonstrating that the additional fencing and other border technology can help to prevent environmental damage.

But what of the primary purpose of the fencing to prevent illegal entry? This is important for a variety of reasons. Due to the close proximity of the border to a number of major highways in the State of Arizona, illegal immigrant and drug trafficking is often intense. When smugglers can manage to reach the roads, they often resort to excessive speed, driving without lights, and driving down the wrong side of the road to escape law enforcement. There have been a lot of injuries and deaths and attacks on Border Patrol that have resulted. We had an actual shoot-out on the freeway between Tucson and Phoenix between two rival gangs who were contesting to see who could own the important drug van at that issue. Frequently, these vans are wrecked, overturned, and a lot of illegal immigrants are killed or injured.

In the one unfortunate case, in the town of Sierra Vista near the border, a family community had just gotten married—I believe it was the week before—and they were simply driving through an intersection, minding their own business, when, with excessive speed in order to avoid apprehension, the illegal immigrants became crashing through, hit their vehicle, and killed both. You can imagine the sorrow as well as the anger in this small community when these wonderful people, who were known to many of the residents of the community, when their lives were extinguished right after they were married and looking forward to some very happy years because of this illegal activity. This has real impacts on people's lives in the affected areas, and that is another reason to end it.

We had testimony in the subcommittee which I chair—of the Judiciary Committee—Terrorism, Technology and Homeland Security, about the number of illegal immigrants who cross who are criminals or who are wanted for crimes. It isn’t just a matter of keeping people from entering the United States to work. The testimony was, by the head of the Border Patrol, that illegal immigrants apprehended coming into this country are criminals. I am not talking about immigration violations; I am talking about serious crimes such as homicide, rape, assault, kidnapping, serious drug crimes. It is not only overloading our law enforcement and court systems, but it is also creating a huge problem at the border.

The U.S. attorney for Arizona, Paul Charlton, testified that last year assaults at the border were up 100 percent. Why? Because, as I said before, the Border Patrol and law enforcement is now contesting the territory that before the cartels and the coyotes had some degree of control over, and they are fighting back. They are fighting back with weapons, and they are also fighting back with things like rocks, which you may not think is a threat until you get hit in the head with one and are severely injured and maimed, really for the rest of your life.

There is a lot to protect with more fencing, more vehicle barriers, more cameras, more sensors, and the like at our border. It is interesting that vehicles and pedestrians, which I am told, is creating the kind of environmental benefits, some of which are very important species from the desert to build national wildlife area, for example, where there has been a 90-percentage reduction. In the Organ Pipe Cactus National Monument there has been a 95 percent reduction in vehicle traffic. It can work. But we have to do it.

People say we have tried it and it doesn’t work. We have barely started. In fact, there are almost four times as many New York City police officers as there are members of the Border Patrol. So our effort now to build up the Border Patrol, add this fencing, add the cameras, add the sensors, and improve all these things to the border is beginning to have an impact. It can work. We simply have to do more. That is what this legislation would provide.

I will not cite the statistics, but there is a lot of evidence that the fencing in the San Diego area has substantially reduced the amount of illegal traffic across the border. It used to represent about half of the border crossings. It is now down to 10 percent. In the area of the triple fence, it is practically zero. I am told.

The bottom line is that we can make a substantial difference by not only appropriating the money—I saw, just a moment ago, the chairman of the Appropriations Committee in charge of appropriations for this effort. The Senator from New Hampshire was on the Senate floor a moment ago. I commend him again for his efforts, primarily in the last couple of years, to make funds available to do all these things.

As I said, we are moving forward with this at the border, and it is beginning to make a difference. What the legislation passed in the House of Representatives will enable is to have a clear path, a clear guideline of exactly what we are going to do. It provides discretion to the Department of Homeland Security about what exactly to do in what areas. It is not a fence along the entire border, it is a combination of these different things as the Department of Homeland Security deems appropriate. But we believe, in consultation with the Border Patrol, with local officials, that they can determine where best to put each of these things in place, and the burden of removing the fencing to prevent illegal entry?
establish control of the border, to secure the border so we can move on with the other elements of comprehensive immigration reform which, incidentally, I support very strongly. But I think most of us agree a first step must come. I commend this bill to my colleagues. I hope we will be able to get cloture on Monday and we can proceed to its adoption. For those constituents in my home State of Arizona, this would be a very big benefit since over half of the illegal immigrants now entering the United States come through my State of Arizona. This is critically important for my State, but it is also important for the United States, and I hope my colleagues will join together to support this important legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD some background materials on this subject.

There being no objection, the material ordered to be printed in the RECORD, as follows:

Nearly 50 percent of the illegal aliens crossing the southern border of the United States enter through Arizona in the Tucson and Yuma areas. Nearly 50 percent of the fiscal year 2000 data, over 161,253 illegal aliens have been apprehended in Tucson Sector, and 61,974 illegal aliens in Yuma Sector. (source: CBP).


Illegal roads divert the normal flow of water and rob the native plant cover of the moisture it needs to survive. The Coronado National Forest experienced over 250 wildfires caused by illegal aliens. (source: CBP).

The construction of the San Diego fence has seen a 90 percent reduction in vehicle traffic. Since installation, the fence has seen a 90 percent reduction in vehicle traffic. Since construction began in 1993, the number of illegal immigrants apprehended in the San Diego Sector, which constituted 47 percent of illegal immigrants apprehended by the Border Patrol that year. After construction of fencing was accelerated as part of Operation Gatekeeper in 1993, the annual numbers began a steady decline. In 2005, 126,913 aliens were apprehended in the San Diego Sector, down 4 percent. In 2006, 130,082 alien apprehensions were a reduction of 4 percent. In 2007, 125,962 alien apprehensions were a reduction of 3 percent. (source: CBP).

Mr. President, I would just like to add to what my colleague from Arizona has said about the importance of border security. One of the clearest priorities in the debate about immigration is what are we going to do to take steps to ensure that we stem the flow of illegal immigration in this country. The Senator from Arizona has been a great leader on this issue. I commend him for that. Of course his home State is right down there on the border. But, ironically, even in my State, the State of South Dakota, which is somewhat removed from the border, we are experiencing the effects, some of the negative effects of immigration.

In fact, I had a meeting not long ago with law enforcement personnel in my State—State, Federal, local law enforcement—to talk about the methamphetamine problem which has become a real problem in my State. It has in many other places. In fact, methamphetamine arrests were up 45 percent last year in Sioux Falls, which is
We have the possibility of terrorist organizations using our open, porous border as an opportunity to get a foothold in this country. As I have said, we have a lot of law enforcement issues related to people who come here illegally and then commit illegal acts—the methamphetamine incidents I talked about in South Dakota being one example. But, clearly, we need to start sealing, securing this southern border to make sure the people of this country have confidence that we are taking the steps necessary to stem the flow of illegal immigration and to get this issue under control.

I applaud the work the chairman of the Budget Committee and others have done to put more resources and funds toward that because I think it has made a profound difference already. But, frankly, this legislation we are considering today is important because it will send a loud, clear message to the people in this country that we are serious about this issue of illegal immigration, starting with securing the border.

The other issues that follow from that we can debate. There is an agreement on that. I think the one thing there is agreement on, the one thing people in this country want to see action on now is letting’s get this border secure. So this border security bill that has come over from the House and is being debated in the Senate, I hope we will get a vote on it and be able to pass it through the Senate and put something that will move us in the right direction, a direction that will discourage people from coming here illegally. The thing we want to do is discourage people from coming here illegally.

I say that as a persons one generation removed from immigrant status. My grandfather and great-uncle came here from Norway in 1906. We are a nation of immigrants. People come for the same reason they did: they want to experience the American dream. We are a welcoming nation, and we are also a nation of laws. We need to enforce those laws, and this legislation moves us in that direction. It deals with what is the first priority in this American border so that not only from a national security standpoint, a law enforcement standpoint but, frankly, just so people in this country know and people in other countries in the world who want to come to the United States to know that we are a nation of laws, and we are going to enforce those laws.

That is where this debate should start. This will give us an opportunity to do something about which I think there is broad bipartisan support coming in the Senate before we adjourn, it is important we address this issue. I want to speak to one other matter. I came to the floor yesterday, and I want to follow up on something I said. For anybody who watched the comments at the United Nations made by Hugo Chavez of Venezuela, it should have removed any doubt about the importance and potential of energy independence. We need to become energy independent. We get a million barrels of oil a day from Venezuela. This is a country whose leader was spewing hatred at the United States; someone who, in the past, has said that the President and his administration were responsible and behind the 9/11 attacks.

This is a country, and many of the other countries like that one, where we get the majority of our energy. They are countries that are hostile to the United States, and we need to use the leverage they have as a political weapon against the United States.

The way we avoid that from happening is America becomes energy independent. We need more sources of American energy. We need to take steps so that we have the supply in this country that will enable us to meet the needs that we have in our economy, without having to get energy from the Middle East or from Venezuela, OPEC, otherwise we have the very hostile intentions toward the United States.

Yesterday, I came down here to talk about a bill that will move us in that direction. I have legislation that is pending in the Senate. It has passed the House. As a matter of fact, it passed the House by a huge margin, 355 to 9, broad bipartisan support coming from the House. It comes here from the Senate. Senator Saxby Chambliss have a substitute amendment to that which has been cleared by the Republicans in the Senate. The House has said as soon as we send it back to them they will pass it and it will be put on the President desk. But we have a series of secret holds on the Democratic side in the Senate.

I know that is part of the tradition of the Senate. I don’t happen to think it is a good part of the tradition of the Senate, that people can put a secret hold on a bill and you don’t have any idea who has a hold on it, what their issues are. I have my suspicions, since this is an even-numbered year, about what that secret hold is, anyway, and who is putting it on this bill. Nevertheless, it has the relevant committee’s blessing. It has been approved by the committees here.

As I said, we have cleared all the traps on the Republican side of the aisle in the Senate. So the legislation is ready to be passed, sent back to the House, sent to the President, and signed into law. But we have a series of secret holds on the Democratic side in the Senate. That is wrong. Whatever the motivations are, this is policy that is important to the country. I just mentioned the issue of energy security, of energy independence. This is an issue that is very close to the heart and core of almost every issue we are debating in the country today, whether it is the economy and the cost of energy, whether it is national security, foreign policy—energy, the fact that we depend upon foreign sources for our energy supply in this country, is a very serious and vexing problem. We have to address it. We need to put policies in place that will create more supply here in America.

This legislation, Senator Gehrke, very briefly—to explain it because I explained a little bit yesterday—fills the distribution gap that we have in the area of renewable energy. We passed an energy policy last summer. Part of our policy is a renewable fuels standard which guarantees a market for ethanol and other types of bioenergy. We now have a lot of plants around the country that are operating at full capacity, producing ethanol. We have plants under construction. My State of South Dakota has been at the forefront of that movement, but we will very shortly be at a billion gallons a year production of ethanol.

The problem we have is we do not have a way of getting it to the consumer in this country because we don’t have enough refueling stations, gas stations, and convenience stores that have installed the pumps that are necessary to deliver B85 to consumers in this country.

This was an ad that was run in one of the local publications here, Congress
Daily, I saw it a few days ago. I saw it again today in that same publication. It is put out by the Auto Alliance. The Auto Alliance in this country, which represents the major car manufacturers, is very much supporting this legislation. When they ad says is that there are 9 million alternative fuel vehicles in this country today—and counting: 9 million cars in America today that are what we call flex-fuel vehicles; that is, they are capable of running either on traditional gasoline or E85 ethanol. Nine million vehicles—are they ramping up, building, and manufacturing more flex-fuel vehicles. If you watch the television advertisements today and you see the auto manufacturers run their advertising, they are talking more and more about flex-fuel vehicles. This is an important priority for the auto industry. They have the cars that are out there that are capable of using E85. The problem is, there are not enough filling stations that have it available.

In their letter that they sent in support of this bill, the Alliance of Auto Manufacturers says—and I used the number yesterday. This is a slightly different number, but it is in the ballpark. I said there were 600 gas stations in the country that offer E85 out of a total of 18,000. In their letter they say 830 gas stations, so maybe it has gone up a little bit, out of the total number of gas stations in the country that have E85 ability.

The auto—9 million vehicles and counting that can run on flex fuel using E85 or other bioenergy—only using the high number of 830 refueling stations where they can get that.

In the Midwest where I am from, in South Dakota, we have a number of filling stations that make E85 available. But that is the exception and not the rule.

Our bill provides an incentive for these refuelers to install E85 pumps, not just E85. This isn’t just an ethanol issue; other alternative energy types of fuels can be used. But it provides an incentive for them to install pumps to make renewable energy and alternative sources of energy more readily available to consumers in this country. It does it very simply by providing grants up to $30,000 per pump at the gas station. Because they can install more than one, they can take advantage of the incentive more than once. If they install two, they can use up to $30,000 to do that. The cost of installing one of those pumps, depending on where you are in the country, is between $4,000 and $20,000.

The simple fact is, this incentive will go a long way. As has been noted, and as I said, the auto manufacturers sent a letter supporting the bill, as has the National Association of Convenience Stores which represents all of the gas stations around the country. They are supporting this; the auto manufacturers are supporting this.

It does not affect the budget because we paid for it. The way we paid for it is by using the fines that are paid by foreign auto manufacturers for violations of fuel efficiency standards. Take a fine which has been paid and apply those dollars toward a program that provides incentives for fuel retailers to install five pumps and other pumps that offer other forms of alternative energy.

But, frankly, as I said before, it is an important priority. We have auto manufacturers making the cars, ethanol producers that are producing the ethanol, you have consumers in this country who want this product, and you have a requirement now, because of the renewable fuels standard that we passed last year and put into law in the Energy bill, that States meet those standards. You have all of these things clicking. And Hugo Chavez comes to the United States and at the U.N. in a vitriolic way attacks our country and our leaders. Here we are getting a million barrels of oil a day from that country.

We need American energy. We need to be energy independent. We need to move America in a direction toward the future and take us away from relying on the traditional sources of energy.

We get almost 55 percent of our energy from outside the United States— and that has to change.

This legislation is broadly supported. It came out of the House by a vote of 355 to 9. It is broadly supported. I have had Senators from both sides of the aisle come up to me—and, of course, I said it is cleared on the Republican side. Democratic Senators say they really support the legislation. This is a good thing.

Again, I am at a loss—it is a mystery to me—to try to explain why anyone would be opposed to this. The only thing I can suggest is there are perhaps some election year motivations. I don’t know the answer to that. I hope that is not the case.

This is the right thing to do for the country. It is the right policy to put in place for America’s future. I call on my colleagues on the Democratic side who have these anonymous, secret holds—we don’t know who is holding it up. I wish I knew the answer to that. I would love to have them come down here and defend their position because there is absolutely no logical reason anybody would object to this piece of legislation which implements policy, consistent with the energy policy that we adopted last summer, the renewable fuels standard, and make available for people in this country E85 ethanol.

There are 9 million automobiles in this country and counting that can run on E85. If you use the generous estimates, that is 2 billion gallons. That is a terrible gap. We need to fill that gap in the distribution system in this country. This legislation would do that.

It is ready for action in the House, and it is ready to go to the President for his signature.

But we have, as I said, some anonymous and secret holds on the Democratic side preventing this legislation from moving forward.

I ask my colleagues—I urge my colleagues—on the other side of the aisle to release those holds and allow this bipartisan legislation, this important legislation, to get to the President’s desk so we can begin to lessen our dependence on foreign sources of energy, on dictators, and countries like Venezuela and Iran, and have American-grown energy that will make America independent as we head into the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank you. I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUALLY OPPORTUNITY FOR ASIAN AMERICANS

Mr. CARPER. Mr. President, I want to take a moment to bring to the attention of our colleagues a full-page article which ran in the business section of the Washington Post recently headed “American Core Values, Equal Opportunity.” I had some discussion in my caucus this week focusing on diversity and focusing on diversity of our own staff here on Capitol Hill and how well we are doing. This is an issue that is on my mind.

Some of my colleagues may be familiar with something called the 80–20 Educational Foundation which seeks to promote equal opportunity for Asian Americans. The president of the foundation, as it turns out, is a colleague and friend of mine, a constituent. He is former Lieutenant Governor, recently retired physics professor at the University of Delaware, Dr. S.B. Woo.

Here are some of the findings of 88–20’s research as spelled out in the article in the paper.

No. 1. When compared to Whites, African-Americans, Hispanics, and women, Asian-Americans have the lowest odds of rising to management level positions in private industry, universities, and even in the Federal Government.

No. 2. This is interesting because 80–20’s research also indicates that Asian-Americans are much more likely to obtain a college degree or higher than Whites, African-Americans, Hispanics, or women.

The data indicates that Asian-Americans have half the chance of Whites of rising to management-level positions.

If this is right, then this is wrong.

From the charts, we can also see that African-Americans, Hispanics, and women are still lagging behind as well. They are also less likely to rise to management level positions. And, perhaps more troubling for the future, they are also much less likely to obtain advanced degrees.

This country was founded on the premise that all men and all women are created equal and that we must always strive for equality and justice for all citizens.

We have made great strides over the years. We have taken steps to get closer to that goal of equality and justice
Mr. REED. Mr. President, I understand I have 14 minutes with respect to postcloture debate. I ask unanimous consent to speak beyond those 14 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

**MEDICARE PART D**

Mr. REED. Mr. President, I rise today to discuss my deep concerns about the Medicare Part D Program. The “D” was supposed to stand for a new prescription drug benefit, but now seniors are finding that “D” really stands for doughnut hole. Unlike most other types of health insurance, the Medicare drug benefit was intentionally designed with a coverage gap or doughnut hole that requires beneficiaries to pay for all yearly prescription drug spending between $2,250 and $5,100.

Let me explain. It is baffling to most people that the Part D Program was designed so that beneficiaries paying premiums each month receive support for their drug costs until they have spent $2,250, and suddenly the insurance goes away. The premium stays, but the insurance goes away until you reach $5,100. That is an unusual insurance parameter. Seniors will experience this lapse in coverage once their drug costs have exceeded $2,250. When they are in the doughnut hole, they have to pay for all the drugs out of pocket, as well as paying the monthly premium. That does not sound like a cost-insurable program. That is, in effect, what this Part D Program involves.

According to one estimate published in the journal Health Affairs, the average Part D beneficiary will spend almost $3,100 this year on prescription drugs. So the President’s idea of cost containment is not to drive pharmaceutical manufacturers to rein in prices but to just cut off seniors’ benefits through some coverage gap.

Many Medicare beneficiaries with high drug expenses already have begun to fall into the doughnut hole and are struggling to pay for their medications or are unable to fill their prescriptions at all. It has been reported that average Medicare Part D beneficiaries will also begin falling into the doughnut hole this week. It almost sounds like “Alice in Wonderland,” where suddenly you are swept into a new world as you go through the hole. A world that requires you to come up with their resources to pay for these premiums as well as their prescription drugs.

I am hearing from many seniors in my State facing problems with Medicare Part D. I know I am not alone. I think every Member of this Senate, when they go home and talk to seniors, is hearing it. We will hear it with more frequency as their expenses increase and their experience with the doughnut hole increases.

In one case, an individual sent a letter to the Rhode Island attorney general and copied me on it because they thought a crime was being committed. They literally thought they were being robbed because one day they got help with the prescriptions, and the next day there is no help at all.

Now “D,” besides standing for doughnut hole, stands for different circumstances. These are the circumstances in which the doughnut hole will only get bigger and bigger year after year.

Today, over 38 million Americans on Medicare have some form of prescription drug coverage. Of these beneficiaries, 10 million have coverage through a standard Part D prescription drug plan, and up to 7 million could be subject to the doughnut hole between now and the end of the year. The numbers will only grow in the coming years if the administration allows drug prices to continue to escalate. What the doughnut hole is the cumulative spending on drugs. If drug prices go up, seniors very quickly reach that threshold where the doughnut hole kicks in. Tragically, many beneficiaries are unaware that this coverage gap exists and only learn about this lapse after they have fallen into the hole. To add insult to injury, these beneficiaries are expected to continue paying monthly premiums through their drug plans even though they receive absolutely no coverage in return. This is a very unusual health care plan, to be paying a monthly premium but not be eligible for coverage.

When we pay health care premiums, we don’t have to pay half of the coverage, that we are healthy and well, but we all have in the back of our minds the knowledge: If something happens that month, I am eligible, I can get the help. Not so in the doughnut hole. Seniors begin paying the monthly premium, and then they pay, out of pocket, the full cost of the prescription.

I didn’t support the Medicare Modernization Act which created Part D because I believed it is insufficient and the emphasis on a privately administered program made it excessively complex. By relying on over 40 private plans in each region, each with a different benefit structure, many beneficiaries are confused about the plan offerings and which plan may be the best for them. As the Journal of the American Medical Association reported, “The complexity of the Part D program is an insurmountable barrier for older Americans.”

The medication plan offerings are confusing to seniors, and a standard Part D prescription drug plan is not designed to provide any coverage. The Part D doughnut hole stands for dire circumstances.

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When we pay health care premiums, we don’t have to pay half of the coverage, that we are healthy and well, but we all have in the back of our minds the knowledge: If something happens that month, I am eligible, I can get the help. Not so in the doughnut hole. Seniors begin paying the monthly premium, and then they pay, out of pocket, the full cost of the prescription.
Administration had not made the program needlessly complicated and if they had done a better job of preparing the public. Despite all of the serious shortcomings of Medicare Part D, the program has taken effect. It is now incumbent upon us to work together to turn things around and improve the situation.

In an effort to provide some modest short-term relief to seniors, I am working with Senators Dorgan and Bingaman on the Prescription Fairness Act. This bill has a simple premise: beneficiaries should not have to continue paying monthly premiums when they have no drug coverage. The bill waives the Medicare Part D premium for any month that a senior falls into the doughnut hole. During this time, the Secretary of Health and Human Services would be responsible for offsetting these monthly premium costs.

The fundamental premise behind the Medicare Part D benefit—that vigorous competition among private insurers would lead to lower drug prices—simply has not proven to be true.

"D" also stands for the do-nothing President Bush during this year's budget debate failed to pass a Democratic amendment that would give the Secretary of Health and Human Services the authority to negotiate the best deal for Medicare prescription drugs.

Instead of addressing the purchasing power of over 40 million Medicare beneficiaries, the Administration plan called on private insurance plans to administer the program and to negotiate directly with the pharmaceutical companies on drug prices.

Here I think is the structural flaw in this overall program. In order to pull together the bargaining power of the largest number of seniors, the Government should be able to negotiate prices with pharmaceutical companies. The advantage that pharmaceutical companies have market power. Many of their drugs are patented and cannot be produced by anyone else. They can drive the price up.

The only way in a market you counter that kind of monopolistic pricing power is by banding together as consumers so you have one entity negotiating for the consumers against one entity who controls the product. You will get a better price.

That is what we do in the VA system. The VA system has the legal authority to negotiate prices with drug companies. They have thousands and thousands of clients in their hospitals and their outpatient settings, and they simply go and say: If you would like to sell us this significant volume of drugs, give us your best price. That is the way I believe we can get drug prices if not down, at least lower the escalation in costs. If we do not rein in price growth, the estimates of $700 billion over 10 years, I believe in a year or two, could be even higher.

The Helping Fill the Prescription Gap Act—another proposal which I have cosponsored—would allow costs incurred by federally qualified health centers and patient assistance programs to count against beneficiaries' true out-of-pocket costs—this is an acronym, TriOOP: true out-of-pocket costs—during this lapse in Part D coverage.

Medicare beneficiaries on fixed incomes should not be penalized for seeking assistance from other programs that provide prescription drugs or drug assistance.

Here is the problem: You go into the doughnut hole. You are desperate for your prescriptions. The expenditures have to come out of your pocket to qualify again. You cannot go to a State agency that has a program because that spending will not be counted. I think that is another problem we have to address.

The Helping Fill the Prescription Gap Act—another proposal which I have cosponsored—would allow costs incurred by federally qualified health centers and patient assistance programs to count toward a beneficiary's annual out-of-pocket threshold. If they can get the help, quality for the help, it should be counted, as they try to extricate themselves from the doughnut hole.

While these two bills are designed to help the beneficiaries of Medicare beneficiaries in the doughnut hole, serious structural problems of the program must also be addressed.

"D" also stands for—doughnut hole, "dile circumstances"—for the dubious claims the Administration has made about the plan's costs and the savings they would deliver for consumers.

The Administration's original cost estimates for the program were substantially inaccurate, and the benefit is now expected to top $700 billion in the first decade—$300 billion more than was originally advertised.

The fundamental premise behind the Medicare Part D benefit—that vigorous competition among private insurers would lead to lower drug prices—simply has not proven to be true.

"D" also stands for the do-nothing President Bush during this year's budget debate failed to pass a Democratic amendment that would give the Secretary of Health and Human Services the authority to negotiate the best deal for Medicare prescription drugs.

Instead of addressing the purchasing power of over 40 million Medicare beneficiaries, the Administration plan called on private insurance plans to administer the program and to negotiate directly with the pharmaceutical companies on drug prices.

Here I think is the structural flaw in this overall program. In order to pull together the bargaining power of the largest number of seniors, the Government should be able to negotiate prices with pharmaceutical companies. The advantage that pharmaceutical companies have market power. Many of their drugs are patented and cannot be produced by anyone else. They can drive the price up.

The only way in a market you counter that kind of monopolistic pricing power is by banding together as consumers so you have one entity negotiating for the consumers against one entity who controls the product. You will get a better price.

That is what we do in the VA system. The VA system has the legal authority to negotiate prices with drug companies. They have thousands and thousands of clients in their hospitals and their outpatient settings, and they simply go and say: If you would like to sell us this significant volume of drugs, give us your best price. That is the way I believe we can get drug prices if not down, at least lower the escalation in costs. If we do not rein in price growth, the estimates of $700 billion over 10 years, I believe in a year or two, could be even higher.

Families USA conducted a survey that compared the lowest Part D prices with those the Veterans' Administration negotiated for the five most commonly prescribed drugs to seniors, and the variation in price is staggering. The VA can negotiate on behalf of our Nation's veterans while Medicare is barred from doing so—legally barred. It is part of this legislation: a rather good deal for the pharmaceutical industry, to the detriment of taxpayers and seniors.

We can save money, and we can pass these savings on to seniors, we hope, but we cannot tie our hands. We have to be able to, as a large entity, as Medicare, negotiate these prices.

I want to work with the President and my colleagues in the Congress to strengthen Medicare for the long term. But the Administration has failed so far in their approach to Medicare reform.

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Under the current Part D Program, drug companies hold all the cards. A recent New York Times article revealed that the shift of dual-eligible beneficiaries from Medicaid drug coverage over to the Part D Program has been a financial boon to drug manufacturers.

Previously, under Medicaid—a separate program which is a joint State-Federal program—seniors could qualify in certain cases for drug assistance. In the States, the Medicaid programs were negotiating with the pharmaceutical companies for prices. But with the advent of Part D, the dual-eligibles were automatically enrolled into the Medicare Part D Program. And what happened to drug prices? They zoomed out of sight. That, to me, is evidence that we can do much better, not only to protect seniors but to protect taxpayers.

Now, I believe the pharmaceutical companies deserve a fair return on their investment. They have invested in drug research and development. But incomes are not keeping up. The American public.

And while Part D is receiving most of the attention lately, seniors also face a 5.6-percent increase in Part B premiums for doctor visits and outpatient services. In 2007, seniors will absorb a disproportionate amount of their Social Security cost-of-living adjustments—their COLAs. In fact, Part B premiums have almost doubled since President Bush took office, so seniors living on fixed incomes will now pay almost $1,300 just for these premiums alone.

This is another example of the growing squeeze, economically, on middle-income Americans. When you look at families with incomes around $50,000 or less, you have a group of middle-income Americans, young Americans with families, you have seen tuition costs go up extraordinarily so. You have seen health care costs go up, and many of these families do not have the benefits of the Medicare Program at all. Their costs are going up significantly. And gasoline prices are high. But incomes are not keeping up.

In fact, in real terms, inflation-adjusted terms, from 2000 to 2005, the median income of American families has fallen by $1,300. So you have finding inflation and increased income. It is this device that is squeezing middle-income Americans.

And then, when you go to seniors, they are looking at some relief in Medicare Part D, but they are falling in the doughnut hole and finding that relief is elusive. They are also finding their Part B premiums going up. They are being squeezed hard also.

Now, through all of this, the Administration has proposed no comprehensive changes to the Medicare Program to help these beneficiaries. We have to take action. I hope in this Congress—although the days are dwindling down
to a precious few—but certainly in the next Congress we have to start looking seriously at reforming Medicare Part D, at making it more affordable for seniors and more affordable for taxpayers.

Let me make the ‘D’ stand for what it should stand for: doing right by our seniors.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Vrrten). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL COMPANY ROYALTY PAYMENTS

Mr. WYDEN. Mr. President, all of us in the Senate know that each of the executive branch agencies have an inspector general. Last week, the inspector general at the Department of Interior made an extraordinary statement about the lack of ethics, in his view, at the Department of Interior. I have come to the Chamber this afternoon to discuss that and to bring to the Senate's attention some new developments on this issue.

What the Interior Department's inspector general, Mr. Earl Devaney, said last week is essentially that the Department has lost its ethical compass, and specifically the inspector general stated:

Simply stated, short of a crime, anything goes at the highest levels of the Department of Interior.

Mr. Devaney pointed to a number of instances where he thought the Department was essentially defending the indefensible and was particularly troubled by the way the Department's royalty efforts—the efforts to collect money owed to the Federal Government—were handled.

This morning, there are new developments on this issue which are particularly relevant to the Senate's work for the rest of the session. This morning, there was a news account documenting how for some time the nonpolitical auditors in the Interior Department have been raising concerns about underpayment of millions of dollars of royalties for oil and gas leases. What the article says is these auditors, who are nonpolitical professional people, were overruled by their superiors when they wanted to go out and aggressively protect the taxpayers of this country.

Some of these auditors, according to these news reports this morning, were so outraged by the Interior Department's failure, on its own, to collect the full amount of royalties that were owed the people that they have filed False Claims Act lawsuits against the oil companies for defrauding the Government.

For example, one senior auditor identified an oil company scheme to reduce its royalty payments by apparently selling oil it extracted from Federal lands at a discount, thereby reducing the amount of royalty it paid to the U.S. Treasury. According to the news accounts, the auditors in that instance told the auditor not to pursue a collection of the oil company's underpayment. They felt that, to get any justice for the taxpayers, he had to go out and file a false claims lawsuit against the company responsible. Apparently, after he did that, he was subjected to retaliation by Interior Department officials, and then he was eventually terminated.

Several additional false claims lawsuits have recently been unsealed as well where, here again, auditors apparently uncovered underpayments but were not allowed to pursue collection of the full amounts owed to the Government. In each of these cases, the Federal Government declined to join the suit to recover on behalf of the taxpayers allegedly were underpaying for their oil and gas leases.

If this were just one isolated case, you could say that maybe this was a person who had a lot of experience and they are angry at this point. But when you have a number of cases—a number of cases brought by non-political professional people, people who are putting themselves at risk by bringing this issue forward—this issue becomes too important for the Government to ignore.

I am bringing it to the attention of the Senate this afternoon because it goes to the heart of something I have been talking upon for many months. In fact, months ago, I spent over 4 hours right in this spot trying to blow the whistle on the fact that it was time to stop stonewalling on this issue of collecting billions and billions of dollars in royalties that are owed by oil companies that are extracting that oil from land owned by the people of this country.

In this case, the Interior Department's inspector general has identified underpayments of just a tiny fraction of what is owed, but it seems to me this highlights how serious a problem this is. It also undermines the argument of the administration and some supporters of the oil industry that this money is going to be collected if the Congress just stays out of it and the executive branch goes after it on its own. That is one of the reasons that apparently we can't get a vote on an effort to collect money here in the Senate, because some have said the executive branch is on this case, they are going to go after it, and they are going to bring in these dollars. Well, today, on the front page of one of the country's major newspapers, we are seeing that not only is the administration not going after these royalty payments, but when independent, professional auditors go out and try to collect the money, not only did they feel that, to support them, but they end up getting rolled when they tried to bring these cases and collect money that is owed to the taxpayers of this country.

Under Federal law, oil companies are supposed to pay the Federal Government royalties when they extract oil or gas from Federal lands or offshore drilling. During the 1990s, to encourage drilling when oil prices were low, Congress provided relief to suspend royalty payments when the price of oil fell below certain threshold levels. It was, however, the intent of Congress that royalties would resume when the prices got back above those thresholds. But the leases that were signed during 1996 and 1999 failed to include the threshold. As a result, a number of oil companies have been allowed to extract oil without paying the royalties that are owed under these leases, even when the oil prices went to record levels, as we saw this past summer.

The Government Accountability Office has estimated that the failure to include price thresholds in just those leases—just the ones I mentioned—could cost the Federal Treasury a loss of $10 billion. What is more—and I think this will be truly eye-opening for the Senate and for the country—is that given the fact there is litigation pending surrounding this program, the loss to the taxpayers is perhaps some to as much as $30 billion, according to an estimate by an industry source.

That is why I took the time a few months ago to stand on the floor of the Senate for well over 4 hours to make the case of reforming the royalty program, and that is why I have come to the Chamber today to bring to the attention of the Senate the concerns that are coming from the professional auditors.

When we debated it, or when I had a chance to raise the concern before the Senate on that occasion and others, I heard some saying that the Interior Department is going to go out and get these funds, they are going to make the taxpayers $10 billion. What we heard was argument advanced time and time again. It essentially has been stated that the Interior Department has begun the efforts to renegotiate those leases that are costing the $10 billion I mentioned and that Congress can only get in the way by trying to take legislative action.

Well, these news reports that have come out this morning make it very clear that Interior officials are not willing to address this with the royalty program on their own. When given the chance to pursue the issues raised by nonpolitical auditors working for the Department, according to this morning's report and these lawsuits, those high up in the Department blocked the auditors' efforts to collect the full amount owed to the U.S. Treasury and to taxpayers.

The Interior Department's negotiations with the oil companies on the 1996 and 1999 leases didn't even start until after Congress included language in the Interior appropriations bills to prevent companies from getting new leases unless they renegotiated their
old leases to include price thresholds. And the mediation process that is now underway between the companies and the Interior Department is nonbinding, so the companies can walk away at any point. In my view, that is why Congress ought to secure and require the Interior Department to fix the royalty program through legislation.

The companies are doing everything they can to keep this issue from coming to a vote on the floor. That is what happened when I stood in this spot for more than 4 hours a few months ago. The oil companies knew on that occasion that if there was a vote here in the Senate to reform this program which is so out of hand—because even our esteemed former colleague who is from the State of Louisiana, former Senator Bennett Johnston, said the program is out of hand. If we had a vote that day, the vote would have been overwhelming to fix the royalty program. But we could not get that vote because there in the Senate, I knew that the taxpayers would win, and they didn’t want to have the vote. Now the session is about to end. The subsidies are going to continue. Based on this morning’s report, auditors who are professional are being overruled by their superiors when they want to get those dollars owed to the taxpayers.

In my view, time is not on the side of those of us who want to put a stop to these senseless subsidies. The oil companies and their supporters know that the time left in this session is limited, so if they can keep the Senate from voting on these royalties, the legislation that the House adopted after my discussion in the Senate will almost certainly disappear when the Interior bill gets rolled into some kind of an end-of-the-session comprehensive bill called, around here, omnibus legislation.

The negotiations now underway with oil companies, that have the most generous deals of all, in my view, are going to get dragged out and delayed and postponed until the last legislative vehicle leaves town. Then the oil companies can walk away from the table, return to claiming those needless subsidies, and I assume fewer auditors will step forward in the future because they will see that there has not been a Congress backing them up.

We have seen the “run out the clock” scene from the Senate, from this game. It happened, for example, on the issue of needless tax breaks to the oil companies. I was able to get legislation through the Senate Finance Committee to begin the effort to roll back some of the tax breaks that the oil companies were getting. These were oil companies getting breaks that even they said they didn’t need when I asked them questions when they came before the Senate Finance Committee. But by the time we were done on the tax side, the oil companies and their auditors knew that much of what I had originally gotten out of committee, and they are still getting billions and billions of dollars in tax breaks that they themselves have testified before the Senate they do not need.

I believe, on the basis of the news reports that we saw this morning and the fact that the inspector general of the Department of the Interior has said that anything goes with respect to ethics at the Interior Department, that this Senate ought to step in and protect the taxpayers of this country. This Senate ought to address this problem, which is referred to as the “ineffable” and has, in effect, said the Department is still trying to defend it. My view is that if the Senate ducks this issue, it will be very difficult to explain to the American people how Congress can propose to allow additional billions of dollars of royalty money to be given away before it puts a stop to what already has gone out the door.

The distinguished Senator from Louisiana and my colleague who is my mentor, the distinguished Senator from Louisiana, Ms. LANDRIEU, has made a good case to me about the suffering that folks in New Orleans and in her State have endured. But what has been troubling to me is how do you promote a new royalty program, a new offshore oil royalty program, when you are wasting money on the last one that got out the door? So I will continue to try to make the case, force the Senate to reform this oil royalty program, and I am going to continue to press this every time I think there is a new development in this case.

I urge my colleagues to read the important article by Mr. ANDREWS in the paper today describing the efforts of these auditors to try to make sure taxpayers do not get stiffed.

It is one thing if one person comes forward. It is another when you have a whole pattern of these cases, by people who are no longer just ordinary citizens—professional people. We have had a bipartisan effort in the Senate to change this. I have been particularly appreciative that Senator KYL, Senator DEWINE, and Senator FEINSTEIN have joined me in past efforts. But we have not been able to offer that amendment and actually get a vote on a bipartisan proposal that would finally clean up this program and protect the taxpayers of this country.

As a result, some of the most profitable companies in the country are continuing to get billions and billions of dollars of royalty relief and giveaways that are paid for by the taxpayers of this country.

It was one thing to start that program back in the days when oil was $19. It is quite different when you have royalty relief, taking hard-earned dollars out of the pockets of our citizens when that relief clearly is not necessary. I urge colleagues in the Senate, on behalf of the American people to join me in these efforts to clean up this program, stop the outrageous giveaway of taxpayer money, and take a good look at this morning’s report. The combination of what the inspector general has said and what these independent auditors have said this morning, in my view, is too important to ignore. The Senate ought to step in and make sure the taxpayers’ interests in this country are protected.

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. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise to speak about the Secure Fence Act. The bill before us will certainly do some good. It will authorize some badly needed funding for border and better security along our borders, and that should help stem some of the tide of illegal immigration in this country.

But if we think that putting up a few more miles of fence is by any means the whole answer to our immigration problem, then I believe we are seriously kidding ourselves.

This bill, from my perspective, is an election-year, political solution to a real policy challenge that goes far beyond November. It is great for sound bites and adding to the political wish list. But it is an answer to the problem of illegal immigration, it is unfinished at best.

Yes, we need tougher border security and stronger enforcement measures. Yes, we need more resources for Customs and Border agents and more detention beds. Democrats and Republicans in both the House and the Senate agree on these points. But immigrants sneaking in through unguarded holes in our border are only part of the problem.

As a host of former Bush immigration officials and Members of Congress said in today’s Washington Post, we must “acknowledge that as much as half of the illegal-immigration problem is driven by the hiring of people who enter the United States through official border points but use fraudulent documents or overstay visas.”

This serves as a reminder that for the last 15 years, our immigration strategy has consisted of throwing more money at the border. We have tripled the size of the Border Patrol and we strengthened fences. But even as investments in border security grew, the size of the undocumented population grew as well.

So we need to approach the immigration challenge from a different perspective.

This is why for months Democrats and Republicans have been working together to pass a comprehensive immigration bill out of this Congress because we know that in addition to greater border security, we also need greater sanctions on employers who illegally hire people in this country. We
need to make it easier for those employers to identify who is legally eligible to work and who is not. And we need to figure out how we plan to deal with the 12 million undocumented immigrants who are already here, many of whom have woven themselves into the fabric of our communities, many of whom have children who are U.S. citizens, many of whom employers depend on. Until we do, no one should be able to look a voter in the face and honestly tell them that we have solved our immigration problem.

A model for compromise on this issue is in the Senate bill that was passed out of this Chamber. In the new electronic employment verification system section of that bill that I helped write with Senator Grassley and Senator Kennedy, we agreed to postpone the new guest worker program until 2 years of funding is made available for improved workplace enforcement. We could extend that framework and work together to ensure the money is in place to strengthen enforcement at the border and then allow the new guest worker program to kick in. We can do all of that in one bill, but we are not.

So while this bill will probably pass, it should be seen only as one step in the much greater challenge of reforming our immigration system. Meeting that challenge will require passing measures to discourage people from overstaying their visas in the country and to help employers check the legal status of workers applying for jobs.

It seems it was just yesterday that we were having celebratory press conferences and the President and the Senate leadership were promising to pass a bill that would secure our borders and take a tough but realistic approach to the undocumented immigrants who are already here.

Today that promise looks empty and that cooperation seems like a thing of the past. But we owe it to the American people to finish the job we are committed to doing—calling on all of us, in an undocumented status. We do have a need to figure out how we plan to deal with the precursors that a number of people have identified, saying, first, we need to secure the border and show the country we are serious about securing the border—and the President has already dispatched National Guard troops to the border. The border enforcement efforts have already stepped up and they are showing that the country look at it and believe in some form we need to deal with immigration in a broad fashion.

Yet almost nobody I have talked with on the immigration issue—a number of whom are passionately involved in the topic—virtually everybody who looks at it will say: OK, let’s first get the border secure. First, let’s stop the flow of illegal immigration into the United States, and then let’s talk about comprehensive reform or you get a number of people saying: I don’t think you are serious at the Government level of dealing with securing the border. When you show me that, then let’s move forward with comprehensive reform.

I was hopeful we could do this as a comprehensive piece of legislation, recognizing the practicality that, first, the border would be secure because that is the thing we could do first, and then you could deal with a future flow of illegal immigration into the United States, and then let’s talk about comprehensive reform or you get a number of people saying: I don’t think you are serious at the Government level of dealing with securing the border. When you show me that, then let’s move forward with comprehensive reform because I do recognize we have 11 to 12 million people here in an undocumented status. We do have a need for workers in a number of places and I think that there are legitimate concerns, and the best way for us to move forward is in some fashion dealing with all the problems that are associated with this issue.

We have a history in the United States, in the last 20 years, of dealing with this problem on a piecemeal basis. In 1986, there was an amnesty bill, but it did not deal with border enforcement at that point in time. That did not work. In 1996, we had an enforcement-only bill, but it did not deal with the future flow or did not deal with the people who were here in an undocumented status at that point in time. We come, then, to 2006.

It is an interesting progression in the numbers as well. In 1986, we had roughly 3 million here in an undocumented, illegal status. In 1996, 10 years later, we had 7 million here in an illegal, undocumented status. We tried amnesty. We tried enforcement in 1996, and we had 7 million who were in an undocumented, illegal status in the United States.

In 2006, we are at 11 million to 12 million. So we have tried this on a piecemeal basis before, and it just has not worked. Whether you come from either side of the argument, it has not worked on a piecemeal basis. What I am hopeful we can do in passing this legislation is the Senate bill then let’s move forward with the comprehensive legislation.

What this, I hope, will be is the first step in dealing, in a comprehensive, long-term fashion, with our failed immigration system and huge immigration problem. We need to do this, and we need to do this first.

I was hopeful we could do this in one whole package and move it on forward and see the practicality of that whole package. Yet I think the thing we should do is to secure the border—and the President has already dispatched National Guard troops to the border. The border enforcement efforts have already stepped up and they are showing that the country look at it and believe in some form we need to deal with immigration in a broad fashion.

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I remind the individuals who have pushed this route forward that we are taking you at your word as well, saying first secure the border and then we go to comprehensive reform. We are going your path. This would be the path that you said is the way to go. We cannot just say yes and say OK. We have done that, and now we are not going to talk about the rest of the issues. We need to see this on through to what people had said was the right route to go—first securing the border and then moving forward with comprehensive reform. We are going that path, your path, forward. I hope we can move this through and then continue the discussion on how we move forward with comprehensive immigration reform. I believe it is critical for us to do that for the future of the Republic.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY STAFF SERGEANT SHAN LANDRUS

Mr. DEWINE. Mr. President, I rise today to remember a fellow Ohioan, a young man who lost his life in Operation Iraqi Freedom. Army SSG Sean Landrus died on January 29, 2004, of wounds he suffered when a roadside bomb exploded next to his convoy in Iraq. He was 31 years old.

Sean Landrus will be remembered for many things and in many ways. He was an exceptional soldier who enjoyed and took pride in military life. More than that, he was a loving son, brother, husband, and father, a man who was completely dedicated to his family.

Sean was born in January of 1973 in Painesville, OH, to loving parents Ken and Betty Landrus. The youngest of six children, Sean was very close to his entire family and remained so throughout his life. Sean attended Ledgemont High School where he excelled in football, basketball, and track. A highly competitive athlete, Sean hated to be taken out of any game, even if he was injured. According to his mother Betty:

One of the managers said that he just didn’t play the same without Sean because he was the spark plug.

Sean carried that dedication and competitive spirit with him throughout all that he did. After graduating in 1991, Sean attended Kent State University while working for C&K Industrial Service, an industrial cleaning company in Cleveland. Although she didn’t enjoy it at the time, Betty now fondly recalls how grubby her son would be when he got home from work. Despite the dirt, she loved his “iron teddy bear.”

On December 2, 1995, Sean married his high school sweetheart Chris, and they made their home in Thompson Township. Sean reported for boot camp just 1 month later. He was assigned to Company B, First Engineer Battalion, First Brigade Combat Team, First Infantry Division. Sean spent 8 years in the Army, including deployments to Bosnia and Kuwait.

Sean was a devoted family man who found it difficult to leave his wife Chris, his son Kenneth, and daughters Khrista and Kennedy for his overseas tours. He was very sorry to be away from his family and to say goodbye to his deployment to Iraq was particularly emotional. Kennedy was then just a few weeks old. At the time, Sean and his family were living in Fort Riley in Kansas. Sean was offered a desk job at the base, but he declined it in favor of going to a combat zone.

In the words of his mother Betty, “Sean just hated being behind a desk.” In September 2003, Ken and Betty drove to Fort Riley both to meet their new grandson daughter and to say goodbye to their son before he left for Iraq. Because Sean was busy making preparations for deployment, they weren’t able to see him very often. But for Sean, it was important that he made sure everything was in order. He said in his own words, “It is my job.” Sean’s deployment to Iraq would have been his last. Before going overseas, he told his family that it would be the final time he went away. He just didn’t want to leave them anymore. Unfortunately, Sean’s convoy was ambushed after a roadside bomb exploded next to the truck he was in. Two days later, he passed away from his injuries.

Mr. President and Members of the Senate, that day our Nation lost a great soldier. The Landrus family lost a loving brother, son, husband, and father. Perhaps most heartbreaking, Sean was never able to hear his youngest daughter’s first words: “Da Da.”

As Ohioans have done so often in the past, the members of Sean’s community rallied around the Landrus family to offer their support. During Sean’s final trip home to the Cleveland area, color guards from the area’s veterans groups lined the final road to St. Patrick Catholic Church to celebrate Sean’s life. County flags were lowered at half-staff and a resolution honoring Sean was passed at the Thompson Township trustee meeting. His death was a loss felt by the entire community.

SSG Sean Landrus was a great man. I know he will live on in the hearts and minds of all those who were privileged to have known him. My wife Fran and I continue to keep the Landrus family in our thoughts and prayers.
Mr. President, I rise today to pay tribute to Marine Cpl Brad Squires, a fellow Ohioan from Middleburg Heights, who lost his life on June 9, 2005, as a result of an explosion that occurred during combat operations. He was serving with the U.S. Marine Corps, 3rd Battalion, 25th Marine Regiment, 4th Marine Division, from Akron, OH. Brad was the son of Donna and Bruce Squires, husband of Julie, brother of Chad and Jodie, and uncle of Chad, Alexis, and Bruce. He was only 26 years old at the time of his death.

Brad graduated from Berea High School in 1997, where he played on the football team. He was studying to be a firefighter and was taking classes at Lorain Community College. He was also an aspiring supermodified driver who entered his first race in 2004 with the Midwest Supermodified Association. Brad joined the Marines in 1999, and in February 2005 he was sent to the Al Anbar province in Iraq, where he served 4 months with his battalion before his death.

Brad Squires was loved by everyone who knew him. Again and again, I have read about what a good friend he was. He sought out opportunities for ways to make his friends and family smile, and was constantly seeking new adventures. Brad’s aunt, Donna Dirk, described him as “fun-loving, very family-oriented, and really a nice kid.”

Kaitlin Thies, a neighbor, wrote: “Brad definitely loved his family, and was deeply loved by them. He married his wife Julie in November 2004. They had to move up the wedding date when Brad learned that he would be deployed in January. Sadly, their family and friends would not be able to attend the same church 7 months later for Brad’s funeral. Brad was looking forward to starting a life with his new bride and spending time with the rest of his family.”

Brad’s sister Jodie wrote these words to Brad: “My brother, my friend, my hero that will never be forgotten. I love and miss you so much. Brad—26 years of great memories is what I hold close to my heart. On behalf of the family, I would like to thank everyone for their support.”

Brad’s brother Chad echoed these sentiments, saying: “My brother and hero, he died for what every American enjoys in life—their freedom. Brad will also be deeply missed by the numerous community members who knew and loved him. Numerous mourners attended his memorial service at St. Mary’s Catholic Church, where he and Julie had been married 7 months earlier. More than 120 motorcycles and 200 cars participated in the procession to the cemetery, while hundreds of people in flags watched them pass. Tim Ali, a family friend, aptly expressed a fitting sentiment: “We have him home.”

In honor of their brother, Brad’s siblings launched a campaign to create a memorial fund to carry on his legacy. Donations to the Corporal Brad Squires Memorial Fund will help build and preserve a memorial on Old Oak Boulevard in Middleburg Heights, dedicated to all the men and women in Ohio who have given their lives to protecting our freedom. You can learn more about this memorial by accessing the Web site at www.bradsquires.net.

I would like to end by including a message that Donna left for her son one year after his death: “Brad, not a day goes by that you’re not in our thoughts and prayers and how we wish you could be here and how we wish we could see you again. When I think of you I think of your love for life and your beautiful smile. You always had a mystical way of brightening up someone’s darkest day. We experience life together, the good and bad times. I know we will be together in eternity and you are in a better place but we all miss you deeply. I pray to God that He will comfort you and guide you wherever you are so we’re together again, have a great time in heaven.

The overriding theme of Brad Squires’ legacy is the number of lives he touched while he was on this earth. So many people have remarked how Brad had positively impacted them. With his death, we have lost a great man. Brad loved his family, loved his country, and loved his commitment to the Marine Corps. He will never be forgotten. My wife Fran and I continue to keep the family and friends of Cpl Brad Squires in our thoughts and prayers.

Mrs. CLINTON. Mr. President, as I have often reminded my colleagues, New York is the State of Agriculture. We are home to 36,000 farms and our farmers are world-class producers of dairy products, apples, grapes, honey, maple syrup, great wines, and other fruits and vegetables. New York is truly a land of milk and honey—and since 1997, we have produced the best apple crop in years in New York, but the lack of labor has left apples unpicked on the trees. We are in the unpicked on the trees. We are in the un...
losing their livelihoods if we cannot ensure a legal, stable workforce for them. In fact, according to the Farm Bureau, New York’s agricultural industry stands to lose $289 million with fruit and vegetable growers estimated to lose more than $100 million without solving this problem.

Farmers have shared with me their stories. Many feel abandoned to election-year politics, partisan wrangling, and a Government that does not recognize their hardship. Our farmers’ crops are dying, and we cannot allow a real solution to die on the vine.

In recent meetings with scores of New York farmers from across the State, it was stressed to me that the current worker program in place—the H-2A legal guest worker program is antiquated, unworkable, and woefully inadequate. Couple this with the recent increases in enforcement by the Social Security Administration and the Bureau of Immigration and Custom Enforcement, the result has been major disruptions to our farms.

I join with many of my colleagues in this Chamber who believe that workplace enforcement is imperative. But as we all know, our current laws are broken. We have the tools to get it right, but we have not been able to put them in place. We cannot, as a society, accept the reality that an enforcement-only bill was passed. We are losing end of a broken system, and it is time we change this.

For several years, a broad, bipartisan coalition of Senators has advocated for passage of the Agricultural Job Opportunities, Benefits, and Security Act, AgJOBS, and other legislative reforms that would provide our farmers with the long overdue relief they need to maintain their operations.

The AgJOBS bill would not only expand the current H-2A program, it would also modernize and streamline its procedures, making it easier for our farmers to use. AgJOBS would also provide agricultural employers with a stable labor supply by giving many undocumented agricultural workers the chance to earn the right to become legal immigrants.

The AgJOBS compromise was reached after years of negotiations, and it represents a unique agreement between farmworker labor unions and agricultural employers. It has the support of a broad coalition of organizators, including major business trade associations, Latino community leaders, civil rights organizations, and religious groups.

Moreover, AgJOBS will promote our security by helping our Government identify persons inside the United States who are here without authorization. By encouraging farm workers to come out of the shadows, we can stand by family farms while refocusing our limited resources on real threats to our security.

I applaud the leadership of Senators CRAIG, KENNEDY, FEINSTEIN, and BOXER on this issue. I support the Craig and Feinstein amendments to this bill because we share a belief that we can tackle this crisis.

We are in this Chamber debating amendments that will serve our farm economy and serve to make our immigration system fairer and more workable. What I hope is that we can put politics aside and have a vote, up or down, on this bill. We owe it to our farmers, workers, and consumers to pass a bill that will help save our farms and agricultural industry.

Mr. LIEBERMAN. Mr. President, with so many important questions facing us, I am left asking: before we adjourn before the fall elections, I am dismayed that we are considering this so-called Secure Fence Act.

I say this as a supporter of the bipartisan comprehensive immigration reform that we passed in May.

I say this as one of many who followed the leadership of Senators FEINSTEIN and REID, SPECTER and LEAHY, MCCAIN and KENNEDY, when 62 Senators voted for true reform legislation.

And now look where we are. After a great success, the Senate is now considering abandoning that truly comprehensive and bipartisan solution to creating a national immigration system that fosters national security and reparing our overstretched immigration system.

How did we come to such a low point this fall, after such promise this spring? I will tell you how. The opponents of reform obstructed and delayed. They refused to enter into a conference—even to discuss the possibility of reconciling House and Senate legislation.

Instead we watched the opponents of reform roll out a farcical road show of hearings designed to distort the facts, confuse the issues and roll the waters to create a national anxiety that need not exist.

With that out of the way, these same obstructionists have now reintroduced large portions of the punitive and ineffective House legislation the Senate already rejected earlier this year. Without deliberation or debate they are attempting to add their measures onto appropriations legislation already in conference—ignoring the views of a majority of Senators.

One of those measures sent from the House is this legislation to build fences across specific sections of our southern border. The cost of these fences is conservatively estimated at $2.2 billion but could easily double. And for this price America will be no more secure, its borders no more protected, and illegal immigration still out of control.

The Senate bill cracks down on unscrupulous employers who would hire and exploit undocumented workers, by creating verification systems that would leave those employers no excuse for hiring the undocumented and punish them if they do.

But what made the Senate bill so forward looking was our bipartisan decision that an enforcement-only bill was not going to solve the problem of illegal immigration.

To control future immigration, we also created a guest worker program...
that will channel future immigrants into legal avenues, where they will be screened to make sure they pose no threat to public safety and will not take jobs from American workers.

And for immigration reform to work, we had to squarely face the fact that there are currently 11 million undocumented immigrants already working in the United States. Many have lived here for years and have children who were born in this country and are American citizens.

We also decided that criminalizing these 11 million people was not going to happen. We couldn’t jail that many people. We couldn’t deport that many people.

We knew that the vast majority of undocumented immigrants living in this country came here to work hard, support their families, pay their taxes and obey the law.

Those are the kind of people we want here.

Yes, they are here illegally and that can’t be treated lightly. And we didn’t. The Senate bill does not offer amnesty or a free pass to anyone. If you want to stay here, you have to earn it.

Under the comprehensive, bipartisan Senate bill, undocumented immigrants who have been present in the U.S. for at least 5 years would be able to apply for a work visa lasting 6 years. They would also pay thousands of dollars in fines, clear background checks, and must remain gainfully employed and law-abiding.

They would go to the back of the line behind those already waiting for their applications to be judged.

After 6 years of working in the U.S. on a temporary visa, an immigrant could apply for permanent residency—a process that takes 5 years—provided he or she paid an additional fee, proved payment of taxes and could show knowledge of English and United States civics.

Only after a combined period of 11 years could the immigrant apply for U.S. citizenship.

Those who have been here between 2 to 5 years would have to apply through a stricter guest worker program, and would have to wait even longer before they could win legal residency.

We should have rolled up our sleeves long ago to pass realistic and compassionate immigration reform. And the Senate did. But the House has shirked its responsibilities with its enforcement-only focus.

Now, instead of doing our constitutional duty and hammering out our differences, congressional leadership has declared that reform is dead for this year and instead says the best we can do is build fences in the desert and create a mirage of security.

This is not sensible or right. But we must not give up. We must fight—and I will continue to fight—for true reform.

We promised the job the American people sent us here to do—solve the tough problems without falling into divisive, partisan posturing.

That is why I hope and expect that we will be allowed to offer true immigration reform amendments to this bill. If we are not allowed to offer immigration reform amendments, I will oppose cloture on this bill, and I hope all my colleagues who support reform will do the same.

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. DURBAN. 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. DURBAN. Mr. President, I rise to speak about the pending bill before S. 6061, the Secure Fence Act of 2006. This bill, which was approved the House of Representatives last week, would require the Department of Homeland Security to build a 700-mile wall on the United States-Mexican border.

The bill goes further. The bill also provides that we shall start a study as to whether to build a similar wall on our borders with Canada. That, of course, is another border and a challenge which has not really been thought through. The northern border study is part of the bill, along with this new 700-mile wall, or fence, being discussed.

Earlier this year, the Senate spent the better part of 3 months debating immigration. The process began in the Judiciary Committee, on which I serve, in early May. We had a series of substantive debates in which we considered dozens of amendments, including several maritime committee meetings on very contentious issues. At the end of the process, we approved a tough, comprehensive bill with a strong bipartisan vote. There was a similar process on the Floor of the Senate.

We debated the immigration bill for 1 month. We had over 30 rollcall votes on amendments. It is rare for Congress to devote that much time and energy to one bill. I think that was reflected in the bipartisan bill that we approved. It is far from perfect. It was a compromise. There are sections in that bill I don’t support. I voted for it because I thought it was the best effort we could make at that moment to move this process forward.

The Senate bill takes a comprehensive approach that is tough but fair.

First, we deal with enforcement by improving our border security by increasing manpower and increasing new technology and devising new means to stop the flow of illegal immigrants into America. We would crack down, as well, on employers.

Understand that the magnet which draws those who illegally immigrate to the United States is the opportunity for a better life through work. For those who have been here long enough, they come here to take jobs all across our country. I have seen them in my home State of Illinois and Chicago. It is hard to visit a restaurant or hotel without seeing many people there who are working very hard for long hours at low pay, and many of them are undocumented.

We believe that if you are really going to have enforcement work, it must be directed at those who enter here at the border; it is a matter of drying up the magnet that draws them: the employment, those who would employ undocumented people. Our bill speaks to that.

The President has said that he supports this concept. I agree with him. We need a tamper-proof ID so that those presenting themselves for employment are clearly identified. Currently, a person shows up with a name, a phony Social Security number, and goes to work. That day has to end.

If you are talking about enforcement, it is not just a matter of what happens on that border—it is a matter of what happens in the workplace in New York, in Chicago, in Los Angeles, and all across America.

This bill which was sent to us by the House does not address the employer sanctions. We know what has happened under the Bush administration. It is rare if ever that an employer is held accountable for hiring illegal aliens.

Unless and until we can engage the employment issue with the border security issue, we are going to have a difficult time controlling the flow of illegal immigration.

This bill talks about a fence. It is not the first time it has been brought up. In the comprehensive immigration bill which we passed, there was a provision for constructing a 370-mile, triple-layered fence and 500 miles of vehicle barriers along the southwest border. I question whether this is going to work. I have my doubts.

Consider just the obvious. Our southern border is more than 2,000 miles long, and we are building 700 miles of fencing or barriers. I have to say that leaves a lot of area uncovered. I guess it is not a leap of imagination to believe that people will find a way to go around this wall, around this fence, or under it. It is going to happen. I think to place all of our confidence in this sort of basic barrier may go too far.

But the provision was in our bill. It was an enforcement provision for the border which included 370 miles of triple-layered fence and 500 miles of vehicle barriers.

Then, on August 2, the Senate appropriated the money to build it, $1.8 billion for fencing and barriers authorized by the Senate bill. The measure was approved on a strong bipartisan vote of 94 to 3.

Despite my skepticism about the fence, my belief was that this moves us forward. If this fence moves us forward in the debate about comprehensive immigration reform, then I will be encouraged. In that effort even though I start with skepticism about whether this is really going to do everything we are told.
So we are dealing with a fence and barrier that has already been authorized and funds have been appropriated by the Senate. Instead of going to conference with the House and Senate and sitting down and working out their differences between the two bills, the House of Representatives held hearings around the United States, hearings which were designed, I am afraid, to move this issue to the public forefront in not a very positive way; in some respects, a very negative way. In that effort, with the inspiration for a new bill. In other words, they walked away from their earlier bill which dealt with immigration enforcement in very harsh terms, saying that those who were here illegally would be deemed felons, aggravated felons under Federal law, and anyone who helped them would also be charged with the crime.

Now they are off on a new approach—this so-called 700-mile fence approach. It is hard to keep track of what is going on in the House of Representatives when it comes to immigration. It changes almost on daily or weekly bases.

Before they will consider sitting down with the Senate and working out an agreement on a bill, they send us a new bill.

That is what has happened here. I wonder why at a time when we are facing so many serious issues in this country we are engaged in such political posturing when it comes to an issue of this importance.

Wouldn’t it have been better for us to spend this week, instead of wasting and burning off the hours on the secure fence bill—the second House immigration bill—focus on a national energy policy, talk about ways that we can reduce our dependence on foreign oil, so that Americans can have some security knowing that this economy will grow with good, reliable energy sources, and that we would not be subsidizing those who send oil to the United States and then turn around and use the hundreds of millions of dollars we send to foreign oil to increase the manhours spent patrolling our borders.

During the same period of time that this drive for an increase in manpower at the border has occurred, the number of undocumented immigrants coming into the United States has doubled. As Attorney General Gonzales recently noted, “See, we should be focusing solely on border security.” He said, “I don’t think you can have true security without taking into account the 11 to 12 million who are already here.” We need to know who they are and take them out of the shadows.

Our bill, our comprehensive bill, sought to deal with this immigration issue in a sensible, smart, tough approach that will deal with enforcement as well as dealing with the reality of those who are here.

Now the House of Representatives, under the control of the President’s party, has refused to sit down with the Senate and negotiate in a conference committee. They apparently prefer tough talk to solutions.

Now we have a 700-mile wall that is now being proposed. It keeps going up in the bidding from 300 to 700. Who knows what the next bill will be in preparation for this next election? What is the bidding war is all about—who can come up with the longest wall.

If we want to solve the problem of illegal immigration, we have to secure our border, strengthen enforcement of our immigration laws, and address the situation of approximately 12 million undocumented people in our country. That is a comprehensive approach.

I hope we will have a chance, though I am doubtful, to offer amendments to this bill. It would be nice to return to some of the elements of the earlier bill which had widespread support. Sixty-four Senators voted for the bill, the McCain-Kennedy comprehensive immigration bill. I was one of them. We believe this was a good, bipartisan effort to deal with a very tough problem. We need that kind of comprehensive approach.

That bill included a provision which I think was an enormous bill, if given an opportunity. It is called the DREAM Act. This is a narrowly tailored, bipartisan measure I have introduced with Senators HAGEL and LUGAR, both Republican colleagues, who have joined many Democratic Senators in this bipartisan effort. This gives undocumented students the chance to become permanent residents if they came here as children, are long-term U.S. residents, have good moral character, no criminal record, will attend college or enlist in the military for at least 2 years.

Currently, our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to the Nation’s future. They are often top students, star athletes, talented artists, valedictorians, aspiring teachers, doctors, scientists, and engineers. These young people have lived in this country for most of their lives. Their parents brought them here. It is the only home they know. They are assimilated and acculturated into American society. They are American in every sense of the word except for their technical legal status.

They have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent, compared to 21 percent for legal immigrants and 11 percent for native-born Americans. So the odds are against these kids ever graduating from high school. These children we are talking about in this bill, the DREAM Act, have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they can make in their lives. These students are tomorrow’s teachers, nurses, doctors, engineers, entrepreneurs. They have the opportunity to make America in the 21st century a success story if their talents can be part of that success.

The DREAM Act would help them. It is not an amnesty. It does not say automatically that they are going to be citizens. It is designed to assist only a select group of them, the very best of them, the very bright, the very smart. It would automatically that they are going to be citizens. It is designed to assist only a select group of them, the very best of them, the very bright, the very smart. It would not force
States to offer in-state tuition to these students. It is a State decision. Each State decides. It would simply return to States the authority to make that decision.

It is not just the right thing to do, it is good business for America. It will allow a generation of immigrant students with great potential and ambition to contribute fully to America.

According to the Census Bureau, the average college graduate earns $1 million or more in his lifetime than the average high school dropout. This translates into increased taxes and reduced social welfare and criminal justice costs.

There is another way our country would benefit from these thousands of highly qualified, well-educated young people who are eager to be part of America. They want to serve, many of them, in our military. At a time when our military is lowering its standards due to serious recruiting shortfalls, we should not waste the talent of these young people.

There are an estimated 50,000 to 65,000 undocumented alien young adults who enter the United States at an early age and graduate from high school each year. Many of these young people are technically undocumented but want to live in the United States and serve our country. They need that talent. We need that talent as a nation.

On July 10, the Senate Committee on Armed Services hearing on the contributions of immigrants to the military. David Chu, the Under Secretary of Defense for Personnel and Readiness, said the following:

There are an estimated 50,000 to 65,000 undocumented alien young adults who enter the United States at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. These are many of those young people who have participated in high school Junior ROTC programs. Under current law, these people are not eligible to enlist in the military or in immigration limbo, most of these young people have no mechanism to obtain legal residency even if they have lived most of their lives here. Yet, many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness and moral qualifications. In fact, many are High School Diploma Graduates, and may have fluent language skills—both in English and their native language . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

If we are talking about making America more secure safe, why would we turn our backs on the opportunity for these young people who came to America at an early age, who have beaten the odds by graduating from high school, who have good moral character and want to be part of our future, why would we turn down their opportunity to serve in our military?

The DREAM Act is supported by a broad coalition of the Senate, by religious leaders, advocates across the country, and educators across the political spectrum. Any real and comprehensive solution to the problem of illegal immigration must include the DREAM Act.

The final point I make is this: We are asked regularly here to expand something called an H-1B visa. An H-1B visa is a way to bring foreign workers to come to the United States to work because we understand that in many businesses and many places where people work—hospitals and schools and the like—are there are specialties which we need more of. Do we want to have a chance to make this a better country. This is my home. They ask me: When are you going to pass the DREAM Act? I come back here and think: What have I done lately to help these young people?

If given the opportunity, and I certainly hope I will on this bill, I will offer the DREAM Act. I want my colleagues to join me on a bipartisan basis.

I walk around in the city of Chicago and other places in my State, and a number of young people who would be benefited by this bill come up to me. They tell me stories which are inspiring in one respect and heartbreaking in another—inspiring because some of them, with no help, no financial aid, have made it through college. One of them, a young man I continue to follow with great anticipation, is now working on a master’s degree. He wants to go into medical research. He is good. He is a great scientist, a young scientist who wants to make this a better world. He is one of these undocumented kids, now a young man. Why would we give up on him?

These high school students who have worked so hard in neighborhoods and communities where it is very tough to succeed, they turn their backs on crime, drugs, and all the temptations out there and are graduating at the top of their class, they come to me and say: Senator, I want to be an American. I want to have a chance to make this a better country. This is my home.

They ask me: When are you going to pass the DREAM Act? I come back here and think: What have I done lately to help these young people?

If given the opportunity, and I certainly hope I will on this bill, it is not for me; it is not for the Senate; it is for this country. Let’s take this great resource and let’s use it for our benefit as a nation. We will be a stronger and better nation if we do.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to H. R. 6061.

The motion was agreed to.

The question is on the motion to proceed to H. R. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill: (H. R. 6061) to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send an amendment to the bill to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5031.

At the end of the bill, add the following:

This Act shall become effective 2 days after the date of enactment.

Mr. FRIST. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5032 TO AMENDMENT NO. 5031

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST) proposes an amendment numbered 5032 to amendment No. 5031.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 1 of the amendment, Strike “2 days” and insert “1 day”.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a
Tribute to Judge James DeAnda

Mr. REID. Mr. President, last week, hundreds of family, friends, and admirers gathered in Houston, TX, to honor the life of a WWII veteran, legal giant, and true American hero, U.S. district judge James DeAnda. Judge DeAnda died last Thursday, September 7, 2006, at the age of 81. Throughout his life, he quietly went about his work of ensuring that Hispanic Americans were guaranteed the same protections and rights afforded them in our Constitution.

Today, we mourn his passing and pay tribute to his important contributions to the cause of equality for all. He is joined by Senator Salazar, who is familiar with the importance of Judge DeAnda’s legacy. Senator Salazar, what do you believe are Judge DeAnda’s most important legal victories?

Mr. SALAZAR. Thank you, Senator Reid, for your recognition of Judge DeAnda. One of his most significant cases came in 1954, when he worked on and argued a little-known but enormously significant case before the U.S. Supreme Court. I should also mention that this case, together with a legal team of three other Mexican-American attorneys, were the first Mexican-American attorneys to argue before the highest Court in our land.

In Hernandez v. Texas, Judge DeAnda believed that their client, Pete Hernandez, could not receive a fair and impartial trial unless members of other races served on the jury. Through careful research, Judge DeAnda showed that Hispanics in Jackson County, TX, were excluded from serving as jurors despite comprising a significant proportion of the population at the time. In fact, no Hispanic had served on any jury in Jackson County for a quarter century. The Supreme Court agreed and overturned the murder conviction. They unanimously ruled that Mexican Americans and all other racial groups in the United States had equal protection under the 14th amendment of the U.S. Constitution.

Despite this victory, the Hernandez case was overshadowed by a companion case, Brown v. Board of Education, which was decided just a week later. But the results of this decision are evident in American courtrooms everywhere. Because of this decision, Judge DeAnda holds a special place in our country’s history and our quest to become a more inclusive America.

Mr. REID. Yes, I agree with the Senator from Colorado. Judge DeAnda no doubt played a key role in our nation’s history. He was a key leader in the Latino civil rights movement who worked tirelessly to foster legal equality for Latinos and all Americans. Like many great Americans, Judge DeAnda rose from humble beginnings.

The son of Mexican immigrants, Judge DeAnda was born in Houston, TX. He interrupted his college education to join the Marines to serve in World War II, serving in the Pacific and then later China. When he returned from the war, he completed his studies and then enrolled in the University of Texas Law School in 1950, where he was among the first Hispanic students.

Beyond the Hernandez case, Judge DeAnda took on countless other cases in his fight to end segregation of Hispanics in Texas. In 1968, he went before the Supreme Court in the case of Clenevas v. Corpus Christi ISD, a case that led to the desegregation and increased funding of schools in that city. It was also during that year that Judge DeAnda helped to establish one of the most respected national Hispanic organizations, the Mexican American Legal Defense and Educational Fund, MALDEF. Senator Salazar, would you say that the founding of MALDEF has empowered the Hispanic community in our country?

Mr. SALAZAR. As a Hispanic who grew up in the Southwest, I can say that the impact of MALDEF’s establishment has been profound. As the Hispanic community’s legal advocate, MALDEF has taken on cases throughout our State, and their work has helped improved access to equal education for Hispanics.

Judge DeAnda was also actively involved with Hispanic organizations like the League of United Latin American Citizens, LULAC, and the American G.I. Forum. By working with MALDEF, they ensured that Hispanic veterans, who gave the ultimate sacrifice on the battlefield, were not denied burial in our veterans cemeteries. Judge DeAnda’s leadership was visionary and was recognized by President Jimmy Carter in 1979, who nominated him to serve as a Federal judge in the Southern District of Texas. At the time of his appointment, he was only the Nation’s second Mexican-American Federal district judge.

Despite all of his contributions to the Latino community, Judge DeAnda never sought the limelight. He only strove to ensure equal rights for all. Despite this, his leadership and contributions have had a lasting impact not only on the Latino community but on our country as a whole.

Judge DeAnda’s leadership and contributions have had a lasting impact on the Latino community and on our country as a whole. He was a true pioneer of the American civil rights movement and a true American hero, U.S. district judge. Judge DeAnda will be missed by all, but certainly by his wife Joyce and their four children. They are in our thoughts and prayers.

Local Law Enforcement Enhancement Act of 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator Smith has come to this body to support hate crimes legislation. Each Congress, Senator Smith has come to this body to support hate crimes legislation. Each Congress, Senator Smith has come to this body to support hate crimes legislation.

Ms. CANTWELL. Mr. President, the Jewish New Year is a time for celebration, prayer, and reflection. It is a time for families to gather and reflect on the past, and look to the year ahead. As friends and family commemorate the high holy days which begin tomorrow evening, Jewish communities across Washington State and around the world will come together, consider the past, and look to the year ahead.

This year, we face the challenges of a new day—a day of renewal and new energy; Yom Kippur calls for atonement and forgiveness. These ideals extend beyond religion or race—they build common ground and inspire shared sacrifice. All of this was exemplified at Washington state’s annual powwow, when the Native American Community Center in Seattle hosted a celebration of Native American culture for the Native American community.

Yet we are still shocked and saddened by the pain and loss of July 28, 2006, when William McHenry was attacked and killed in a hate crime attack.

Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 6, 2003, in Largo, FL, William McHenry was stabbed to death by Lucas McCauley. McCauley, a straight man, followed McHenry home from Club Z109, a bar that caters to gay and transgendered people. After arriving at his home, McCauley was attacked and stabbed by McCauley. According to police, the motivation for the attack was the victim’s sexual orientation.

We cannot give in to hate. We cannot give in to that hate. The Local Law Enforcement Enhancement Act of 2005 is a symbol that hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

During these days of repentance and atonement and reflection, as friends and family commemorate the high holy days which begin tomorrow evening, Jewish communities across Washington State and around the world will come together, consider the past, and look to the year ahead. As friends and family commemorate the high holy days which begin tomorrow evening, Jewish communities across Washington State and around the world will come together, consider the past, and look to the year ahead. We cannot give in to that hate.

These ideals extend beyond religion or race—they build common ground and inspire shared sacrifice. All of this was exemplified at Washington state’s annual powwow, when the Native American Community Center in Seattle hosted a celebration of Native American culture for the Native American community.

Yet we are still shocked and saddened by the pain and loss of July 28, 2006, when William McHenry was attacked and killed in a hate crime attack.
2006, when a gunman driven by hate, forced his way into the offices of the Jewish Federation of Greater Seattle. He killed one woman and wounded five others before surrendering to police.

Our community tries to recover, but we also continue to pray. The King County Prosecutor said: “Make no mistake, this was a hate crime.”

I mourn the loss of Pamela Waechter, a beautiful woman and warm spirit who lost her own life while trying to improve the lives of others. All across Washington State we have been asking the same questions. How could such an event happen in our community? How could such violence be carried out in our city in the name of hate?

There is never any justification for a hate crime, anywhere. That this horrific crime took a life so suddenly and so uselessly is a tragedy for all of Seattle. We must recommit ourselves to the goal laid out by Rabbi Mirel. He said: “Hatred will not be our legacy.”

We must do more to demonstrate that the only kind of intolerance Americans will abide is an intolerance for short-term answers and short-sighted conclusions.

Pamela Waechter, who was killed in July, set an example for us all through her involvement in the Seattle community. She was a teacher in Seattle in 1998. After raising two children, Pamela became a student at the University of Washington and graduated with a degree in nutrition.

Pamela worked at Jewish Family Service and later at the Jewish Federation, where she did outreach and fund-raising. She rose from secretary to two-term president at Temple B’nai Torah. Pamela stood out in her dedication, and brought the diverse people of this city together across boundaries of ethnicity or religion.

My thoughts and prayers go out to the victims and their families. We honor their spirit during these Days of Awe by celebrating their deeds, pursuing peace, and seeking renewal.

UNVEILING OF THE BOB DOLE LEADERSHIP PORTRAIT

Mr. ROBERTS. Mr. President, this summer the Capitol added a new portrait to its collection of Senate leaders. It is a face that is familiar to all of us since he once led this institution and spent 27 years here as a Senator. I refer to Bob Dole, former Senator from Kansas, chairman of the Finance Committee, majority leader, and Presidential candidate. His portrait was unveiled in the Old Senate Chamber on July 25 and now hangs in the Senate Chamber lobby, along with a painting of Senator George Mitchell, his Democratic counterpart. He looks very much at home there.

Bob Dole’s story is familiar to almost everyone in this Nation: Born and raised in Russell, KS, he went off to serve in the U.S. Army during the Second World War. He was seriously injured in combat in Italy and underwent arduous physical rehabilitation for more than 3 years. He returned to Kansas, got his law degree, ran for the State legislature, and served as county attorney. He first ran for Congress in 1960 and served in the House of Representatives for 8 years. Then, like many of us, he migrated from the House to the Senate.

The Senate suited Bob Dole. He is a man who speaks his mind, candidly and forthrightly. Right away he impressed Senator Barry Goldwater, who hailed the new Senator from Kansas as “the first fellow we’ve had around here in a long time who can grab ‘em by the hair and haul ‘em down the aisle.” While that captures the combative side of the man, there was also Bob Dole the legislative giant, a statesman who sought common ground among 100 Senators to craft legislation that would best serve the Nation. When President Ronald Reagan sought to shore up the finances of Social Security, it was Bob Dole, ranking member of the Finance Committee, working with the ranking member of the minority, Daniel Patrick Moynihan, who forged the bill that stabilized the system for another generation.

As floor leader of his party, in both the majority and the minority, Bob Dole stood front and center in the Chamber, shrewd, vigilant, and masterful. But you could also find him off the floor, sitting in the cloakroom, a legal pad on his lap, surrounded by a knot of Senators, drafting the language of an amendment to break a legislative impasse and get the Senate’s business back on track.

He did this all with a ready quip and a limitless sense of humor that got him and the Senate through many difficult moments. Bob Dole possesses a sure sense of the ironies of government and the foibles of politicians. He has used this to great advantage over his audiences, whether in small groups or vast arenas. He is smiling in his portrait, as if he had just delivered one of those lines that made his listeners laugh.

It is a handsome portrait of a man who well deserves the honor of being included among the artwork of the U.S. Capitol. Future Senators can gaze on it and be inspired, and it will remind visitors of his many contributions to our Nation. He will make the most likely glance at it himself when he visits the Capitol and probably make a few wry remarks when he does. Today he is proudly a Senate spouse, married to the Minority Senator from North Carolina, Elizabeth Dole, who carries on his legislative tradition.

Mr. President, I ask unanimous consent to have printed in the Record the proceedings of the ceremony for unveiling the Bob Dole leadership portrait.

There being no objection, the material was ordered to be printed in the Record, as follows:

REMARKS TRANSCRIBED FROM THE BOB DOLE LEADERSHIP PORTRAIT UNVEILING—JULY 25, 2006 IN THE OLD SENATE CHAMBER

Mr. FRIST. Good afternoon. It’s an honor to be here today, and it’s a special honor for me to welcome back a Senator whose title I share but whose service will never be rivaled.

Ten years ago, Bob Dole stepped down from the office I now hold, and he left invaluable advice to those who would follow. “You do not lay claim to the office you hold. It lays claim to you. Your obligation is to bring to it the gifts you can of labor and honesty, and then depart with a better office than you found.”

To Congress and to the office of Majority Leader, Bob Dole brought the gifts of labor and honesty. But what he also brought was an invaluable perspective of a fighter. It was the mind-set of the greatest generation—the generation who fought on the battlefield, on farm field, in factory—so America might rise.

From the humble plains of Kansas, Bob Dole learned the value of fighting one’s way up in the world through hard and honest work. And from the battlefields of war, he learned that the freedoms we enjoy—the very freedoms that enable a boy from Kansas to dream big and succeed—were to be fought for at any price.

To this day, Bob Dole has never stopped fighting for the America he believed in. And today, he fought for all Americans—for the disadvantaged, for Americans with disabilities, for the hard-working farmer trying to raise a family. And always he has stood tall for America’s veterans. For those who made the ultimate sacrifice, Bob Dole fought to ensure their sacrifice was never forgotten.

And it was that passion that paved the way to the construction of the World War II Memorial on the Mall. At the dedication to that memorial in 2004, Bob Dole said to the audience, “What we learned in foreign fields of battle, we applied in post-war America. As a result of our democracy, though imperfect, is more nearly perfect than in the days of Washington, Lincoln, Roosevelt.”

Bob, today I say to you, our democracy is more nearly perfect because of you. America is a better place because you’ve been here fighting on our side. From the battlefield to the Senate floor, thank you for fighting for America.

[applause]

Mr. MITCHELL: Senator Frist, Senator Reid, Senator Dole the first, Senator Dole the current, friends and family of both Senators Dole and colleagues, for six years I was privileged to serve as Senate Majority Leader. Shortly after I was elected to that position, I went to see Bob Dole. He was then the Minority Leader, a position he continued to hold during my tenure as Majority Leader.

Bob had been in the Senate much longer than I had, knew a lot more, and so I understood I could learn from him, as I’d learned from my immediate predecessor, Senator Robert Byrd. I told Bob that I looked forward to working with him, and we quickly agreed on a set of rules that would guide our relationship. We would not surprise or embarrass each other. We would try to work together in good faith whenever possible, but when we were a bit averse to say so candidly. And always we’d let the Senate decide.

For six years, we lived by those rules. There were many difficult moments, and on occasion, we disagreed even on substance and process, but we never lost a harsh word pass between us, in public or in private. And the ability to this day to share in life’s most arduous moments and decisions and revelations of life times has a harsh word passed between us. We believed in and we trusted each other. All
of this was possible because of Bob Dole’s es-
ential integrity and his love for the Senate.
Bob’s word was his bond. Never, ever did he
tell me anything that was untrue. Never did he
go back on his word. He was smart. He was sen-
ior and experienced, more knowledgeable, more savvy than I
was, so it was not unreasonable for him to spurn my offer of coopera-
tion. Not because of me but because of who he was and is.

Born and raised in Russell, Kansas, he ac-
quired early in life the tone and the values of the
American Midwest. So he’s always had
intense loyalty to his faith, to his family, to
his country. His patriotism was tested and
found not wanting in the first World War. For
direct and unforget-t
table war, he learned firsthand the horror of
World War. In the most direct and unforget-
table way, he learned firsthand the horror of
war. But he also learned why some Wars
must be fought in the defense of freedom.

A long and painful rehabilitation gave him
time to try to understand why he would for-
ever bear the scars of war. I But it also gave him
time to think of how he could best serve
the country he was so proud to defend. The
result was a distinguished political career
which is so well-known to everyone here that
I won’t try to recite it except to say that
Bob Dole brought honor and integrity to
every office he ever held.

One of Bob’s many strengths is his sense of humor. He is nearly in-
define, with a light comment, to find a laugh in even the most
dark and difficult times. I’ve been the
butt of many of his jokes.

And I can testify that he does it in such a
nice way that makes even the butt laugh.

[laughter]

Our relationship was forged in many long
days and nights in the Senate negotiating
over the substance and the process of legisla-
tion. In my office on Capitol Hill as many
visitors to our offices noted at the
time, his office was a bit bigger than mine.
So I often was asked: how come the Minority
Leader has a bigger office than the Majority
Leader? I always replied that he was entitled
it because he was a leader before I was.

After I left the Senate, I joined a law firm.
Two years later, we were reunited when Bob
joined the same firm. This is—today is our
second reuniting in recent years. And
when I got there, I couldn’t help notice that
while I was busy going to a tiny office near the
attic—[laughter]—he had literally a
whole floor for himself and his huge entou-
rage. And I was really bothered when I
learned that this was brought about by
Bob’s little dog, Leader, and the dog had
a bigger office than I had.

[laughter]

So I asked him about it. And he laughed
and he said, “He’s entitled to it because he
was leader before you were.”

[laughter]

Well, it’s a real honor for me to be here
today to join Bob’s wife and family and
friends in paying tribute to a great and a re-
markable man. And Bob Dole is to me a col-
league, a mentor, and most importantly a
friend. Congratulations, Bob. It’s a pleasure
to be reunited with you again, as we both
stand on the back of the couches and were amused by
Senator Dole’s comments as he passed by?
It’s hard to capture his quick wit and his spontaneous humor, and much of his humor was
self-deprecating, as Senator Rudman indi-
cated. Hundreds of times he told the story of
his life about how he planned to study medi-
cine. He went away to the war, suffered
head injury and went into politics.

[laughter]

His humor was never mean, and I can tell
you, his quick wit rescued me more than
once from fierce cross-examination trying to
defend things at the chair at the Senate Fi-
tinance Committee. It’s hard to capture his
boundless energy. He seemed to revel in
early morning breakfasts and late-night ses-

TUFFRA in 1982 was a tribute to both Sen-
ator Dole’s legislative skill and his never-
say-die tenacity. No, before I get another
note from the Senator about moving faster,
I would like to introduce the subject today
of this great portrait, Senator Dole.

[applause]

Mr. DOLE: Thank You.

[applause]

Mr. DOLE: Thank You.

[applause]
And some of my colleagues have been waiting for years to nail me to the wall. So . . .
[laughter]

And I remind you of an old axiom: “beware of what you wish for.” In fact, I understand, as Senator Mitchell has indicated, that I am to be hung in the Senate lobby—out of sight from the Senate galleries, but not far from where distinguished Members have been known to lie down and take a nap.
[laughter]

So nothing else, I’ll be there to disturb your sleep.
[laughter]

I want to thank the artist for doing something that eluded a host of high-priced campaign consultants and spin doctors: making me look presidential.
[laughter]

Mr. Kastler certainly made the most of what he had to work with. It calls to mind the story of Abraham Lincoln, who was running for the Senate from Illinois against Stephen A. Douglas. At one point in the campaign, Douglas called his opponent two-faced. “I leave it to you,” Lincoln told the audience. “If I had two faces, do you really think I would use this one?”
[laughter]

I know that actually happened because I was in the audience. So . . .
[laughter]

Coming back to this place is more than an exercise in nostalgia. If it feels like a homecoming—and it does—it is because of two families to whom I owe so much. Elizabeth, Robin, Gloria, my sister Norma Jean, and Gladys, my sister Gloria, of all the blessings bestowed on me, none can match your love and support. I want to thank you for being here today and for being there whenever in the past.

And then there is the Senate family. And like most families, it sometimes appears dysfunctional outside its territory. So doubt could be a little—no doubt it could be a little more efficient, maybe a little less verbose. But we should never forget that all the talk and all those rules are put in place to safeguard our liberties. How much better are the raised voices of debate than the dull unanimity of the cell or the grim silence of the Gulag?

Standing in this room where so much history has been made, I can’t help but reflect on lawmakers who not only made me a bettor Senator but a better person. And some are here today. Many are here today. In both parties. Others—too many others—are present in memory only. I think of Everett Dirksen, of Hubert Humphrey, and Barry Goldwater and Pat Moynihan, for starters.

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Each of them a patriot before he was a partisan, or about a thousand dealers, accounted for 57 percent of the crime guns that year. A smaller subset of only 330 dealers accounted for approximately 40 percent of the crime guns. Again, the takeaway is that a relatively small number of gun dealers were responsible for the diversion of a tremendous number of guns into the illegal market. The report also recognized that trace data should be used by manufacturers of firearms to ensure re-tail sellers act responsibly to prevent the diversion of guns into the illegal market.

In 2004, the Americans for Gun Safety Foundation released a report based on trace data introduced into evidence in a lawsuit brought against the gun industry by the NAACP that named the gun dealers who sold the most guns traced to crime. Dealers that sold 200 or more crime guns from 1996 to 2000 were listed by name and location. The publication of the report not only allowed local communities to know where high trace gun dealers were operating, but also handed the gun industry a specific list of dealers who were contributing the most guns to the illegal market.

In 2005 the ATF released a study that found that 97 rogue gun dealers had 11,840 guns “disappear” from their shops. They subsequently recovered 96 percent of the guns identified as missing from 3,083 Federal firearm licensees that the ATF inspected.

Over the last few years, crime gun tracing has produced a great deal of valuable information on how the illegal gun market is supplied. A small number of rogue gun dealers are playing a tremendous role in aiding  

A FEW BAD APPLES

Mr. LEVIN. Mr. President, analyses of gun-trace data have consistently found that a tiny percentage of our Nation’s licensed gun dealers contribute to the vast majority of our Nation’s crime guns.

This finding was first revealed in a 1995 report produced for the Bureau of Alcohol, Tobacco, Firearms, and Explosives—ATF—by a team of researchers at Northeastern University. The report used trace data to identify patterns of firearm trafficking. It found that less than one percent of licensed gun dealers accounted for almost half of the traced crime guns.

Later analyses confirmed these findings. A report published by Senator SCHUMER used 1998 trace data to identify the dealers that sold more than 50 guns traced to crime. The 13 worst dealers were the source of 13,000 guns used in crimes that year.

In the “Commerce in Firearms” report released in February 2006, the ATF reported that only 1.2 percent of dealers, or about a thousand dealers, accounted for 57 percent of the crime guns that year. A smaller subset of only 330 dealers accounted for approximately 40 percent of the crime guns. Again, the takeaway is that a relatively small number of gun dealers were responsible for the diversion of a tremendous number of guns into the illegal market. The report also recognized that trace data should be used by manufacturers of firearms to ensure re-tail sellers act responsibly to prevent the diversion of guns into the illegal market.

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Over the last few years, crime gun tracing has produced a great deal of valuable information on how the illegal gun market is supplied. A small number of rogue gun dealers are playing a tremendous role in aiding gun
crimes by supplying thousands of guns to the criminal market. We must use this type of information to help point the way to policies that keep guns out of the hands of criminals.

### COST ESTIMATES

Mr. LUGAR. Mr. President, ask unanimous consent for three cost estimates that the Congressional Budget Office to be printed in the RECORD.

These estimates are for three important bills which the Committee on Foreign Relations has already reported to the Senate. They are S. 2489, S. 3709, and S. 3722.

The Standing Rules of the Senate require that committee reports on bills or joint resolutions contain cost estimates for such legislation.

When the Committee on Foreign Relations reported these bills earlier this year, the committee had not received the Congressional Budget Office’s cost estimates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

**S. 2489—U.S. Additional Protocol Implementation Act**

Summary: S. 2489 would implement the obligations of the United States under the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America (hereafter called the Additional Protocol). The Additional Protocol was signed by the United States in 1998 and ratified by the Senate in 2004 (Treaty Document 107–7). The bill would authorize government agencies to conduct vulnerability assessments at government and commercial facilities to protect national security interests. The bill also would authorize the U.S. government to issue procurement procedures and commercial licensees to follow to enable government agencies to implement the provisions of the Additional Protocol.

CBO estimates that the implementation of the Additional Protocol would total $2 million over the 2007–2011 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

CBO estimates that implementing S. 2489 would cost $17 million in 2007 and $72 million over the 2007–2011 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

**S. 3709—A bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States Exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol**

Summary: S. 3709 would exempt India from the current-law prohibition on the transfer of nuclear materials and technology to India and the use of funds to implement the Additional Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States of America (hereafter called the Additional Protocol).

CBO estimates that implementing S. 3709 would cost $17 million in 2007 and $72 million over the 2007–2011 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

CBO expects that most facilities would cooperate with the inspections and that the costs to seek and execute warrants required under the bill would be insignificant. Also, based on information from the State Department, CBO believes that the IAEA would not be able to conduct environmental sampling at government and commercial facilities because the United States, as a lawful nuclear weapons state, would forbid such sampling under existing treaty rights. Thus, CBO estimates that most of the costs associated with ratifying the Additional Protocol and processing the necessary documents and regulations would be offset by savings in the costs of implementation.

CBO expects that the bill would not affect direct spending or receipts.

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CBO expects that the bill would not affect direct spending or receipts.
Basis of Estimate: CBO assumes that the bill will be enacted near the start of fiscal year 2007 and that the estimated amounts will be appropriated each year.

U.S. Additional Protocol Implementation (title II)

Enacting title II of S. 3709 would enable government agencies to implement the Additional Protocol. Specifically, the bill would authorize government agencies to conduct vulnerability assessments at government and commercial facilities. Designate government and commercial facilities to the federal government to seek search warrants when the owner of a commercial facility refuses to give consent for inspection by the IAEA, and Set guidelines for the IAEA to conduct environmental sampling at government and commercial facilities.

CBO expects that most of the assessments would be performed by the Department of Defense (DoD) and the Department of Energy (DOE) at universities, fuel-fabrication plants, and commercial manufacturing sites currently working on DoD projects, as well as DOE labs. Although DoD and DOE already have the authority to perform such assessments, CBO believes that those agencies will not perform these assessments unless S. 2489 is enacted. Based on information from those two departments, CBO estimates that the Department of Defense would conduct about 50 assessments in 2007, while the Department of Energy would conduct about 50 assessments in 2007 and about 10 assessments each year thereafter, at an average cost of about $300,000 per assessment. Accordingly, CBO estimates that conducting vulnerability assessments would cost $15 million in 2007 and $65 million over the 2007-2011 period, assuming appropriation of the estimated amounts.

CBO expects that most of the outreach efforts would be performed by the Department of Commerce (DOC) is developing a new database to support the reporting requirements of the Additional Protocol. The department also would conduct outreach, training, and support programs at commercial facilities. CBO anticipates that the Nuclear Regulatory Commission’s (NRC’s) staff would revise regulations to include the new requirements for implementing the Additional Protocol and would prepare guidance documents for its commercial licensees to prepare for the IAEA inspections.

Under current law, 90 percent of the additional costs for the NRC would be covered by fees paid by operators of nuclear power plants. Based on information provided by DOC and NRC, CBO estimates that the net cost of these efforts would be $2 million in 2007 and $7 million over the 2007-2011 period.

CBO expects that most facilities would cooperate with the inspections and that the costs to seek and execute warrants required under the bill would be insignificant. Also, based on information from the State Department, CBO believes that the IAEA would not be able to conduct sampling at government or commercial facilities because the United States, as a lawful nuclear weapons state, would forbid such sampling under existing treaty rights. Thus, CBO estimates that the U.S. government would incur no costs related to such sampling.

Under title I of this bill, the United States could transfer nuclear material and technology to India, subject to an agreement between the two countries, if the President certifies that India meets certain conditions. Those conditions would require India to: Provide a credible plan to separate civilian and military nuclear facilities, Conclude an agreement with the International Atomic Energy Agency, Work actively with the United States to conclude a multilateral treaty to stop the production of fissile materials for use in nuclear weapons or other nuclear explosive devices, Support efforts of the international community to prevent proliferation of nuclear enrichment and reprocessing technology, and Gain the consensus support of the Nuclear Suppliers Group, an organization of countries with nuclear capabilities, for trade in items covered by its guidelines.

Additionally, in the event an agreement is reached for nuclear cooperation between India and the United States, the bill would require the President to submit a report detailing the basis for determining that India meets all the necessary requirements and to inform the appropriate committees of any significant nuclear activities of India. The bill also would require that the agreement be approved by a joint resolution of the two Houses of Congress that has been enacted into law before any transfer of nuclear technology to India, subject to an agreement between the United States of America and the International Atomic Energy Agency Additional Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency, and Set guidelines for the IAEA to conduct inspections of the Additional Protocol.

CBO estimates that implementing title I of this bill would have no significant impact on the federal budget.

Intergovernmental and Private-Sector Impact: Section 4 of UMRA excludes from the application of that act any legislative provision that implements the certification, implementation or operation of international treaty obligations. CBO has determined that because title II of this bill would implement the Additional Protocol, it falls within that exclusion. Other provisions of the bill contain no intergovernmental or private-sector mandates and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 10, 2006, CBO transmitted a cost estimate for S. 2489, the U.S. Additional Protocol Implementation Act. That bill contains provisions that are identical to those in title II of S. 3709, and the estimated costs are the same in both estimates.

On July 13, 2006, CBO transmitted a cost estimate for H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006. CBO considered report for the Committee on International Relations on June 27, 2006. That bill contains provisions that are very similar to those in title I of S. 3709, and the estimated costs are the same in both estimates.

At the request of the Senate Committee on Foreign Relations, CBO prepared an analysis of the costs associated with ratifying the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency Regarding Safeguards in the United States (Treaty Document 107-7). In that analysis, dated March 5, 2004, CBO estimated that one-time costs to the U.S. government for implementing the Additional Protocol would total between $20 million and $30 million, and recurring costs would total between $10 million and $15 million a year, assuming appropriate of the estimated amounts. Those estimated costs are similar to the costs described in this estimate.


Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 3722—Naval Vessels Transfer Act of 2006

Summary: S. 3722 would authorize the transfer of 10 naval vessels to foreign countries: five by grant and five by sale. In each case, the bill identifies the vessel, the type of transfer, and the recipient country. The authority to transfer these vessels would expire two years after enactment.

CBO estimates the specified sales would increase offsetting receipts by $60 million over the 2007-2009 period. (Asset sale receipts are a credit against direct spending.)

S. 3722 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government: CBO’s estimates of the budgetary effects of S. 3722 are shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

For this estimate, CBO assumes that S. 3722 would be enacted near the beginning of fiscal year 2007.
the sales would increase offsetting receipts by $10 million in 2007 and $60 million over the 2007–2008 period.

Intergovernmental and private-sector impact: All intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.


Impact on State, Local, and Tribal Governments: Melissa Merrell.


Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Anal-

SPACE SHUTTLE “ATLANTIS” STS–115 MISSION

Mr. NELSON of Florida. Mr. President, today, September 21, 2006, marked the successful conclusion of the STS–115 Space Shuttle Atlantis mission with its safe landing at the Kennedy Space Center in Florida. This 12-day mission was the 116th shuttle mission and the 19th to visit the International Space Station. STS–115 marked the resumption of International Space Station construction for the first time since 2002. The Atlantis crew delivered and installed a large space station truss segment, two solar arrays and associated equipment, significantly increasing the electrical power generation capability on the space station. STS–115 included three critical spacewalks to install the truss and solar panels, laying the groundwork for the future doubling in size of the space station.

I applaud the skill, bravery, and accomplishments of the STS–115 crew—Commander Brent Jett, pilot Christopher Ferguson, and space walking mission specialists Daniel Burbank, Steven MacLean, Heidemarie Stefanyshyn-Piper, and Joseph Tanner. This successful mission is a testament to the thousands of people who work on the Space Shuttle and Space Station Programs.

We must continue to fly space shuttle in order to complete the construction of the International Space Station, honor commitments to our international partners, and utilize this laboratory for its intended purpose—extending our presence in space and increasing our understanding of the space environment for future explorers. Equally important, we must work together to preserve the workforce that will soon become the backbone of the new Orion crew exploration vehicle and the next human space project.

CODE TALKERS RECOGNITION ACT

Mr. Harkin. Mr. President, this is a historic day. Last night we passed S. 1035, the Code Talkers Recognition Act. As my fellow Senate colleagues may know, code talkers played a unique role in our battlefield successes by transmitting commands and messages in their native language, which, of course, completely baffled the enemy. I was fortunate to meet one of these heroes during a visit to the Meskwaki settlement a couple years ago. Frank Sanache was modest and soft spoken about his heroism. But history has recorded his deeds in blood. And his passing was a loss to all of us who knew and admired him.

In January of 1941, Frank and seven other Meskwaki tribal members—Edward Benson, Dewey Roberts, Dewey Youngbear, Mike Twin, Jude Wayne Wabaunasee, Mike Wayne Wabaunasee, and Ward Sanache—all enlisted in the Iowa National Guard. They were recruited for code talker training, and served in the 168th Infantry, 34th Division.

In the Second World War, communication in Native American languages proved to be the perfect tool for frustrating enemy eavesdropping. Indian languages were used to develop military codes that were difficult to intercept and impossible to break. This is ironic, because prior to the war, the Meskwaki and other tribes had been under constant pressure to abandon their traditional languages and cultures.

The use of these codes is credited with saving countless lives. Until recently, however, only the Navajos and the Navajo code had been given broad recognition and credit. But, in fact, at least 17 other tribes, including Iowa’s Meskwaki, served as code talkers during the Second World War.

Congress has recognized the courageous service of Navajo code talkers. And by passing S. 1035, the Code Talkers Recognition Act, last night, we are recognizing the service and sacrifice of all the code talkers and awarding congressional commemorative medals to these heroes.

I thank Senators FRIST, SHELBY, and SARANTES for allowing this important and historic legislation to move forward and the bipartisan effort from Senators INHOFE, JOHNSON, THUNE, and GASSLEY in gathering 79 cosponsors.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN RIPLEY FORBES

Mr. CHAMBLISS. Mr. President, today I wish to honor the memory of an extraordinary naturalist, conservationist, educator, father, and husband who devoted his life to sharing his love of nature with communities across the country. John Ripley Forbes lived in Georgia for over 30 years, and Georgians of all ages have been blessed by his delightful approach to nature, science, and learning.

Mr. Forbes was born in Massachusetts in 1913. From a very early age, he was fascinated during nature walks with his father and knew that he wanted to make nature his life. At the age of 14, he became the protege of his neighbor, famed naturalist William Temple Hornaday. While still in his teens, John Ripley Forbes guided visitors through his personal nature collection at the Bruce Museum of Arts and Sciences in Greenwich, CT. After studying zoology and ornithology for a time at Iowa State University and Bowdoin College, he worked as an ornithologist on explorer Donald Baxter MacMillan’s 1937 expedition to Baffin Island. Fifty years later, in 1987, Bovdoin would award him an honorary doctorate degree.

Mr. Forbes continually combined his knowledge and experience as a naturalist with his enthusiastic focus on children’s education. After Hornaday’s death, John established and presided over the William T. Hornaday Foundation to underwrite children’s museums around the United States. The organization became one of John’s legacies, the Natural Science for Youth Foundation. He also worked to build museums and historic legislation to move forward and whenever opportunities arose, Mr. Forbes helped find and build a national network of over 200 children’s museums and nature centers where, frequently, exhibits interact with visitors as much as the visitors interact with them.

John Ripley Forbes was known for his ability to charm donations from even the most intimidating people. His wife explained, “He would meet some of these people like the Rockefeller’s, and they were just enchanted with his enthusiasm to do the right thing.” He used his charm for contributions. Mr. Forbes served at military bases in Alabama and Tennessee during World War II and supported returned airmen through simple fishing trips or nature walks. In his spare time, he would work with established natural history museums to fill new children’s museums with thousands of donated specimens.

He also used his boundless energy and charm to preserve nature in its original form. Shortly after moving to Georgia in 1971, he became focused on the preservation of Atlanta’s shrinking natural habitats. Mr. Forbes founded the Southeast Land Preservation Trust to turn green space from a rapidly growing real estate market and was determined to reason with developers and work out solutions that were mutually beneficial.

John Ripley Forbes exercised his passion for education and preservation through these many projects, and our future generations will reap and enjoy the results. I am grateful to people like him who, with their enthusiasm and energy, make a difference in the communities in which we work and in the world outside. His legacy will live for many generations through the work and accomplishments he left behind.
John Ripley Forbes is survived by his wife Margaret, his son Ernest Ripley Forbes of Alexandria, VA, his daughter Anne Forbes Spengler of Atlanta, and two grandchildren.

I join with them and all Georgians in mourning his passing and remembering and appreciating the contribution he made to our communities, our State, and to the lives of the many people he touched.

TRIBUTE TO DOROTHY C. STRATTON

- Mr. LUGAR. Mr. President, today I honor and remember Dorothy C. Stratton, founder of the Women’s Reserve for the Coast Guard during World War II and a strong proponent of women’s education throughout her lifetime.

Dr. Stratton became the first full-time Dean of Women at Purdue University in 1933. During her tenure at Purdue, Dr. Stratton saw the enrollment of women students increase from 500 to over 1,400. In addition, a liberal science program for women in the School of Sciences was inaugurated, three modern residences for women were constructed, and an employment placement center for Purdue women was instituted.

In 1942, she was commissioned a senior lieutenant in the U.S. Navy. Later in 1942, she transferred to the U.S. Coast Guard where she created and became the first director of the Women’s Reserve of the U.S. Coast Guard in World War II. Upon being named director, she was promoted to lieutenant commander in 1942 and advanced to commander in January 1944 and to the grade of captain 1 month later. She was awarded the Legion of Merit medal for her contributions to women in the military upon retirement in 1946.

Dr. Stratton then became the first director of personnel at the International Monetary Fund followed by director of personnel at the Inter-American Development Bank. In 1954, Patten Seed Company was incorporated, and over the last 52 years has become a household name in the turfgrass, sod, and seed industry.

Patten Seed Company’s expansive operation covered 25 facilities across four states and has over 15,000 acres of grass seed and sod farm land in the Southeast. Sod from Patten Seed Company can be found in many places, such as the Blue Grass of the University of Kentucky, the SuperSod, whenever I drive north or south on Interstate 75.

The success of agribusinesses like Patten Seed Company, which operates not only in Georgia but throughout the Southeast, is newsworthy. I thank my colleagues for giving me the opportunity to recognize this great agribusiness.

PATTEN SEED COMPANY

- Mr. CHAMBLISS. Mr. President, it is with great pride that today I honor the past commander of a great agribusiness in my home State of Georgia, Patten Seed Company. Patten Seed Company was recently named the 2006 Agribusiness of the Year by South Georgia Business magazine for its continued success in the agribusiness community.

The lasting success of Patten Seed Company was also recognized when the company received the Cox Century Award. Representatives of the Cox Family Enterprise Center at the Cokes College of Business at Kennesaw State University present the Cox Century Award to Georgia businesses based on their contribution to the State’s business and family, contributions to their industry and community, multigenerational family involvement, and innovative business practices and strategies.

The history of the Patten Seed Company dates between R.L. Patten and his brother W.F. Patten opened a general store in Lakeland, GA. After much success with the general store, Lawson Patten, R.L.’s son, began to operate a seed cleaning business out of one of his father’s warehouses in 1947. In 1954, Patten Seed Company was incorporated and over the last 52 years has become a household name in the turfgrass, sod, and seed industry.

Patten Seed Company’s expansive operation covered 25 facilities across four states and has over 15,000 acres of grass seed and sod farm land in the Southeast. Sod from Patten Seed Company can be found in many places, such as the Blue Grass of the University of Kentucky, the SuperSod, whenever I drive north or south on Interstate 75.

The success of agribusinesses like Patten Seed Company, which operates not only in Georgia but throughout the Southeast, is newsworthy. I thank my colleagues for giving me the opportunity to recognize this great agribusiness.

MESSAGES FROM THE PRESIDENT

- Mr. President, I am honored to rise in the Senate to pay tribute to Dorothy C. Stratton, a woman who dedicated her life to women's education and advancement.

She served as executive director of the Girl Scouts of the United States, chairman of the Women's Reserve of the Coast Guard during World War II, and director of personnel at the Inter-American Development Bank. Her contributions to women in the United States were recognized when she was awarded the Legion of Merit medal for her service.

Patten Seed Company, founded by Mr. Lawson Patten, has been a cornerstone of the turfgrass, sod, and seed industry. It is a testament to the enduring legacy of Dorothy C. Stratton.

EXECUTIVE MESSAGES REFERRED

- Mr. President, I am pleased to introduce a bill to establish the Congressional Commission on Employment of the Handicapped. This bill, H.R. 5684, aims to respond to this threat.

ENROLLED BILL SIGNED

- At 9:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker had signed the following enrolled bill: H.R. 5684. An act to implement the United States-Oman Free Trade Agreement.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 1:31 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. 2334. An act to amend the Reclamation Wastewater and Groundwater Conservation and Recovery Act to authorize the Secretary of the Interior to participate in the design,
planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

H.R. 4830. An act to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one’s land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

H.R. 6095. An act to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROGERS of Kentucky, Mr. WAMP, Mr. LATHAM, Mrs. EKCHUS, Mr. KOLBE, Mr. ISTOOK, Mr. CRENSHAW, Mr. CARTER, Mr. LEWIS of California, Mr. SABO, Mr. PRICE of North Carolina, Mr. SEHRAN, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. BERRY, Mr. EDWARDS, and Mr. OBEY, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. YOUNG of Florida, Mr. FLECHNER, Mr. FELDING-HUYSSEN, Mr. TAMIHT, Mr. WICKER, Mr. KINGSTON, Ms. GRANGER, Mr. LAHOOD, Mr. LEWIS of California, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCONTI, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. OBEY, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, as indicated:

H.R. 2384. To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Energy and Natural Resources.

H.R. 4586. To extend the life of the Ben-Jamin Franklin Tercentenary Commission; to the Committee on Energy and Natural Resources.

H.R. 4563. An act to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Feando Pass Tunnel project, California; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4788. An act to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the “Robert Linn Memorial Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4830. An act to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one’s land) the construction or use of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

H.R. 5468. An act to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5664. To designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the “Jacob Samuel Fletcher Post Office Building”.

H.R. 6095. An act to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures; to the Committee on the Judiciary.

The following bill was read, and referred as indicated:

H.R. 5659. An act to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers’ dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4957. To direct the Secretary of the Interior to convey the Tylersville Division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3925. A bill to provide certain authorizations for the Secretary of Commerce and the Broadcasting Board of Governors, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with
The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3918. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3919. A bill to assist small business concerns in complying with the Sarbanes-Oxley Act of 2002; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

By Mr. MCCAIN:

S. 3921. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA):

S. 3922. A bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. FEINSTEIN):

S. 3923. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. RANKIN, and Mr. KENNEDY):

S. 3924. A bill to expand the boundaries of the Alaska National Wildlife Refuge in the Coastal Plain of Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 3925. A bill to provide certain authorities for the Secretary of Energy and the Broadcasting Board of Governors, and for other purposes; read the first time.

By Mr. SESSIONS:

S. 3916. A bill to expand the boundaries of the Cababa River National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR:

S. 3917. A bill to establish the American-Made Energy Trust Fund, to increase the tax credits for cellulosic biomass ethanol, to extend tax incentives for solar and fuel cell property, to promote coal-to-liquid fuel activities, to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 3914. A bill to amend the Freedom of Information Act, and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3918. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 109-345).

By Mr. ENZL, from the Committee on Health, Education, Labor, and Pensions, without amendment:

H.R. 5378. 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.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 5365. A bill to amend the Food, Drug, and Cosmetic Act to provide for certain purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 5317. A bill to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City and at the Pentagon; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

By Mr. MCCAIN:

S. 3921. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA):

S. 3922. A bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. FEINSTEIN):

S. 3923. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. RANKIN, and Mr. KENNEDY):

S. 3924. A bill to expand the boundaries of the Alaska National Wildlife Refuge in the Coastal Plain of Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 3925. A bill to provide certain authorities for the Secretary of Energy and the Broadcasting Board of Governors, and for other purposes; read the first time.
September 21, 2006

CONGRESSIONAL RECORD — SENATE

S9897

By Mr. SANTORUM:
S. 3238. A bill to provide for the energy, economic, and national security of America, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:
S. 3273. A bill to require the placement of blast-resistant cargo containers on all commercial passenger aircraft; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:
S. 334. A bill to provide for the Office of Domestic Preparedness of the Department of Homeland Security to provide grants to local governments for public awareness education relating to preparedness for natural disasters, terrorism, and influenza pandemic; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:
S. Res. 578. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. SANTORUM):
S. Res. 579. A resolution designating December 13, 2006, as a Day of Remembrance to honor the 25th anniversary of the imposition of martial law by the Communist government in Poland; considered and agreed to.

By Mr. CHAMBLISS:
S. Res. 580. A resolution recognizing the importance of pollinators to ecosystem health and agriculture in the United States and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators by designating June 24 through June 30, 2007, as “National Pollinator Week”; considered and agreed to.

By Mr. BUNNING (for himself, Mr. INHOFE, and Mr. VITTER):
S. Res. 581. A resolution condemning the anti-democratic actions of President Hugo Chavez and admonishing the statements made by him to the United Nations General Assembly on September 20, 2006; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):
S. Con. Res. 117. A concurrent resolution officially designating the National Museum of the Pacific War in Fredericksburg, Texas, as The National Museum of the Pacific War in Fredericksburg, Texas, of the Pacific War in Fredericksburg, Texas, of the National Museum of the Pacific War; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 334, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 110

At the request of Mr. ALLEN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 112

At the request of Mr. COLEMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1607

At the request of Mr. LATTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1607, a bill to amend section 19501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2264

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2264, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2360

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2340, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) 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. 2599

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2673

At the request of Mr. TALENT, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2673, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 3128

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3491

At the request of Mr. VINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3491, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.
At the request of Mrs. Feinstein, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 3523, a bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

At the request of Mr. Talent, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

At the request of Mrs. Lincoln, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

At the request of Mr. Kohl, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 3707, a bill to amend title XVIII of the Social Security Act to provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports.

At the request of Mr. Durbin, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

At the request of Mr. Hatch, the names of the Senator from Ohio (Mr. Voinovich), the Senator from Arkansas (Mrs. Lincoln) and the Senator from South Dakota (Mr. Thune) were added as cosponsors of S. 3711, 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.

At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

At the request of Mr. Nelson of Nebraska, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 3844, a bill to provide for the investment of all funds collected from the tariff on imports of ethanol in the research, development, and deployment of biofuels, especially cellulosic ethanol produced from biomass feedstocks.

At the request of Mr. Kyl, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 3882, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

At the request of Mr. Lugar, the names of the Senator from Texas (Mr. Cornyn), the Senator from Pennsylvania (Mr. Specter), the Senator from New Hampshire (Mr. Sununu) and the Senator from Alaska (Ms. Murkowski) were added as cosponsors of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

At the request of Mr. Dorgan, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 3897, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

At the request of Mr. Menendez, the name of the Senator from Florida (Mr. Martinez) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

At the request of Mr. Rockefeller, the names of the Senator from Rhode Island (Mr. Shaheen), the Senator from Massachusetts (Mr. Kennedy) and the Senator from Maine (Ms. Snowe) were added as cosponsors of S. 3913, supra.

At the request of Mr. Menendez, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of Varian Fry.

AMENDMENT NO. 5021

At the request of Mrs. Boxer, her name was added as a cosponsor of amendment No. 5021 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5022

At the request of Mrs. Boxer, her name was added as a cosponsor of amendment No. 5022 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.  

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Kerry:

S. 3919. A bill to assist small business concerns in complying with the Sarbanes-Oxley Act of 2002; to the Committee on Small Business and Entrepreneurship.

Mr. Kerry. Mr. President, in order for the United States to continue to stand for the fairest, most transparent and efficient financial markets in the world, I believe we must provide assistance to America's small public companies in their efforts to comply with the Sarbanes-Oxley Act.

Just a few years ago, the trust and confidence of the American people in their financial markets was dangerously eroded by the emergence of serious accounting irregularities by some companies and possible fraudulent actions by corporations like WorldCom, Inc., Enron, Arthur Andersen and others. The shocking malfeasance by these businesses and accountants has had a strain on the growth of our economy. The misconduct by a few senior executives has cost the jobs of thousands of hard-working Americans. The lack of faith in our financial markets contributed to an overall decline in stock values and has caused grave losses to individual investors and pension funds.

By all accounts, Sarbanes-Oxley has been effective in bringing accountability to corporate governance, auditing, and financial reporting for public companies. The dark days of the Enron scandal have given way to a new corporate culture that embraces responsibility and transparency, and for this reason Sarbanes-Oxley is necessary. Sarbanes-Oxley has helped restore confidence in our capital markets and helped improve our nation's future economic growth.

However, with compliance also comes cost and while the cost of complying with the law is small enough to be absorbed by larger corporations, smaller public companies, particularly small minority public companies, have been disproportionately affected by these costs. Small business has been one of the engines of economic growth in our Nation. Almost 60 percent of Americans are employed by small businesses. Small business growth has been critical in developing the high wage jobs for America's future.

Unfortunately, an April 2006 report to the Senate Committee on Small Business and Entrepreneurship by the United States Government Accountability Office (GAO) reported that small public firms are incurring much higher audit fees and increased costs in complying with the Sarbanes-Oxley Act.

The report finds that of the 2,263 public firms with market capitalization of less than $75 million, just 66 have fully implemented Section 404 of the law that requires firms to construct formal internal control frameworks and filed internal control reports. These 66 firms reported paying $1.14 in audit fees per $100 of revenue, compared to just $0.13 per $100 for firms with greater than $1 billion in market capitalization. I believe we must take action to help small
companies comply with the regulatory burdens of the Sarbanes-Oxley Act.

In addition to the costs associated with internal controls, 81 percent of small firms responding to the GAO survey said they brought in outside consultants with the Act. Thus, nearly half of the small firms reported “opportunity costs” related to complying with the regulatory burden placed on them by the Sarbanes-Oxley Act such as deferring or canceling operational improvements, and more than one-third of respondents were forced to defer or cancel information technology investments. Too many small firms simply do not have the resources and expertise necessary to implement the formal internal control frameworks required by Section 404, and as a result, they are disadvantaged compared to larger firms that are absorbing these costs.

The U.S. Securities and Exchange Commission has provided a lengthy compliance period for small businesses to comply with the Sarbanes-Oxley regulations and is attempting to develop additional methods to ease the regulatory burden. However, I believe additional efforts are needed.

In order to assist these firms with the increased costs of implementation and help our small businesses keep our economy moving forward, I am introducing the Small Business Sarbanes-Oxley Compliance Assistance Act of 2006. The bill would authorize the U.S. Small Business Administration to award grants to small public companies and small business concerns to help lessen the burden of these costs. If Congress is asking these small firms to bear the burden of cost for compliance with Sarbanes-Oxley, the least we can do is chip in and help pay for it. My legislation authorizes $5 million to be awarded annually through 2011.

My legislation also creates a task force composed of stakeholders to advise the SEC on the implementation of the Sarbanes-Oxley regulations. However, I believe additional efforts are needed. The task force will provide ideas on how the SEC needs to publish guidance for small public companies; whether the SEC and bank regulatory agencies should commit additional resources to aiding small public firms with filing requirements; whether the SEC needs to publish guidance on reporting and legal requirements aimed at assisting smaller public firms; and the feasibility of extending incorporation by reference privileges to other Government filings containing equivalent information.

This legislation will help some but not all of the thousands of small firms that are public or hope to become public. As the information becomes available, I am hopeful that the task force will provide ideas on how the SEC can help more of the small, non-accelerated filers implement the Sarbanes-Oxley regulations. We must do all we can to make sure that data can demonstrate that transparency and accountability in the private sector is thriving without having to incur such a burdensome cost. This legislation is supported by the National Black Chamber of Commerce as well as Small Business Majority. I ask all my colleagues to support this legislation.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 3920. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Finance.

Mr. HATCH. Mr. President, today I am pleased to introduce the Medicare Durable Medical Equipment Access Act with my colleague Senator KENT CONRAD of North Dakota. This bill makes several modest changes to the competitive acquisition process for this equipment.

In 2007, a competitive acquisition program would replace the current reimbursement policy for durable medical equipment in Medicare. This shift toward a market-based approach to payments for durable medical equipment was mandated through the Medicare Modernization Act (MMA) of 2003.

Our bill was written with two key goals in mind. The Medicare Durable Medical Equipment Access Act would preserve access to home medical equipment in rural areas for older or disabled Americans who need this equipment. In addition, the bill will allow small businesses that provide homecare equipment to continue to participate in the Medicare Program if they qualify and meet the competitively bid price.

Our legislation is identical to H.R. 3559 which was introduced earlier this Congress by Congressmen DAVID BONINSON and JIM TANNER. That bill has broad, bipartisan support and 132 House cosponsors.

As background, section 302(b)(1) of the MMA requires Medicare to replace the current durable medical equipment payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs).

The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program.

First, the MMA requires the Secretary to include quality standards in the competitive acquisition process and also allows the Secretary to waive the application of quality standards if applying the standards would delay implementation of the process. However, quality standards are essential to ensuring that beneficiaries are not forced to use the least-cost option without consideration of the quality of the medical equipment items provided. This bill would require the Secretary to include quality standards before implementing competitive acquisition.

Second, the MMA allows the Secretary to exempt rural areas and urban areas with low population density to ensure that competitive acquisition is not implemented in areas that lack the health care infrastructure to support it. This bill would require the Secretary to exempt MSAs with fewer than 500,000 people.

Third, the MMA created a Program Advisory and Oversight Committee composed of stakeholders to advise the Secretary on the implementation of competitive acquisition. However, the MMA does not apply the Federal Advisory Committee Act (FACA) to it. The purpose of FACA is to ensure that advice rendered to the executive branch by advisory committees be both objective and accessible to the public. This bill would apply FACA to this oversight committee.

Fourth, the MMA allows the Secretary to contract with only as many providers as the Secretary deems necessary to meet the demand of an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to 3 years. This bill would allow applicable small businesses that did not receive a contract to continue to provide durable medical equipment in Medicare at the competitive acquisition bid rate.

Fifth, the MMA explicitly prohibited administrative or judicial review for provider appeals. My legislation makes it clear that competitive acquisition justifies constructing a bureaucracy to implement the program. To that end, this bill would require the Secretary to show that competitive acquisition would result in savings of at least 10 percent.

Finally, under the MMA, the Secretary can only competitively acquire an item if the Secretary believes that doing so would result in significant savings to Medicare. It is important for the Secretary to determine which items from competitive acquisition justify constructing a bureaucracy to implement the program. To that end, this bill would require the Secretary to show that competitive acquisition would result in savings of at least 10 percent.

Finally, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that, before doing so, the Secretary determine whether the two MSAs are comparable.

This bill will help prevent any applications of bid rates outside of an MSA that are inappropriate.
The new, market-based competitive acquisition program in Medicare is designed to save money and make Medicare more efficient. In order to achieve this goal, we need to preserve access to care and preserve the cost-effective health care infrastructure. Homecare represents. This bill will help ensure that the market reforms enacted by the MMA accomplish both cost savings and continued access to cost-effective care.

Before I close, I would like to give a real-life example from my home state of Utah on why this legislation is needed and necessary. A small provider of durable medical equipment in Utah approached me about how current law will impact him. This company was established in 1997 with just one employee. It has grown over the years by providing its customers the products that they need to stay at home and out of the hospitals.

When competitive bidding hits the State of Utah in 2007, this small company will be forced to bid against large national companies. Much larger companies compete with the smaller ones to provide medical equipment such as wheelchairs, in-home hospital beds, and home oxygen. If my Utah company loses the bid, it will go out of business, as will many of its smaller competitors in Utah. This company prides itself on being able to provide customers with high-quality service. The owner of the company has asked me how he can continue to provide great service when his company has been forced to bid to the lowest price possible just to keep from going out of business.

Therefore, this legislation means a lot to small companies not just in Utah, but all over the country, by allowing them to continue to provide medical equipment to those who need it.

I heard from several small medical equipment companies in my home State of Utah for several years on this issue and they made very convincing arguments as to why I am introducing the Medicare Durable Medical Equipment Access Act. I strongly urge my colleagues to talk to their constituents back home who own small durable medical equipment companies. I am certain that these companies are experiencing concerns similar to those shared with me.

I urge my colleagues to cosponsor this legislation so that Medicare beneficiaries may continue to receive quality care at affordable prices for their medical supplies.

Mr. CONRAD. Mr. President, today I am pleased to join my colleague, Senator HATCH, in introducing the Medicare Durable Medical Equipment (DME) Access Act. This bill responds to the concerns I heard from seniors and suppliers in North Dakota about the negative impact competitive bidding could have on the ability of DME suppliers in rural States to remain active. The bill we introduce today is designed to preserve access to DME in rural areas.

The Medicare Modernization Act (MMA) required Medicare to replace the current DME payment methodology for certain items with a competitive acquisition process beginning in 2007 in 10 of the largest metropolitan statistical areas (MSAs). The Medicare Durable Medical Equipment Access Act would require several modest changes to the competitive acquisition program to help preserve access to medical equipment in rural areas.

First, our bill would build upon language in the MMA that allows the Secretary to exempt rural areas to prevent these beneficiaries from losing access to needed medical equipment. Specifically, it would require the Secretary to exempt MSAs with fewer than 500,000 people.

Second, the MMA allows the Secretary to waive the application of quality standards in the competitive acquisition process if applying the standards would delay implementation. Our bill would ensure that quality standards are included when determining the winning bid to ensure that patients receive both high-quality and low-cost equipment.

Third, in creating the competitive acquisition program, the Secretary may contract with only as many providers as deemed necessary to meet demand in an area. Any provider not awarded a contract would be prohibited from participating in Medicare for up to three years. This bill would allow the Secretary to continue providing DME in Utah at the competitive acquisition bid rate, allowing them to offer in-person care to Medicare beneficiaries.

Fourth, under the MMA, the Secretary can use competitive acquisition bid rates in one MSA to set the reimbursement for another MSA. Our bill would require that the Secretary compare the two to ensure that the bid rates aren’t inappropriately applied.

Finally, the Durable Medical Equipment Access Act would take additional steps to ensure that competitive acquisition results in savings, that providers have access to administrative and judicial review, and that any meetings of the newly created CMS Program Advisory and Oversight Committee on competitive bidding be open to the public.

These provisions are small steps, but they will ensure that beneficiaries in rural areas have access to the medical equipment they need. While we should pursue options for making the Medicare program more efficient, we must also protect access to care. I believe this bill achieves the appropriate balance between these two goals. I urge all of my colleagues to support this important legislation.

By Mr. McCAIN: S. 3922. A bill to modify the calculation of base pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, today I am introducing the World War II POW Pay Equity Act of 2006. This legislation would ensure that World War II Prisoners of War, or their surviving spouses, receive the appropriate back pay for their honorable service, adjusted for inflation.

To a technicality, Navy and Marine Corps POWs during World War II were denied promotions while they were interned. The Fiscal Year 2001 National Defense Authorization Act included provisions to correct this injustice. Unfortunately, this legislation did not specify an adjustment for inflation. The result was that these heroes of our “greatest generation” were paid in 1942 dollars which roughly equated to ten cents on the current dollar. It is well past time to properly compensate them for their dedicated service.

When our great Nation called upon these brave individuals, they answered the call. Now they need our help to fix a technicality that has denied them the amount of pay they are due, pay that was earned in the harshest of environments. Many of these WWII veterans suffer from extreme financial distress. The total number of surviving WWII POWs is now less than 1,000, and there are approximately 400 surviving spouses. We cannot abandon those who were truly responsible for defending the liberties we hold so dear. It would be shameful for Congress and our Nation not to compensate fairly these veterans, as this is a debt that our country incurred during their internment as POWs.

The impact of this legislation goes well beyond those who have so bravely gone before us in defense of our Nation. This is a readiness issue as well. Today’s service members are acutely aware of the manner in which our Nation honors its veterans. President George Washington reminded all of the deep connection and relationship between our Nation’s veterans and those on active duty when he said, “The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.” That statement holds just as true today as it did over 200 years ago.

I urge my colleagues to support this legislation.

By Ms. MURKOWSKI (for herself, Ms. STABENOW, and Mr. AKAKA): S. 3922. A bill to clarify the status of the Young Woman’s Christian Association Retirement Fund as a defined contribution plan for certain purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will clarify the legal status of the Young Women’s Christian Association’s Retirement Fund.
The YWCA Retirement Fund is one of the oldest pension plans serving the retirement needs of women. This bill will help protect the retirement security of thousands of YWCA employees nationwide who serve well over a million users. Whether it is providing day care for working mothers, keeping a battered women's shelter open, or meeting the other pressing needs of women in our communities, the YWCA has a long tradition of service. Those who work at our local YWCAs deserve to know that their retirement plan is secure. Today, the YWCA Retirement Fund is a unique pension program. First, approximately 90 percent of its participants are women. Second, it is a multiple employer pension plan—one that relies on 300 local YWCAs to make funding contributions. And, lastly, since it was established in 1924, the pension plan's structure has remained generally unchanged—it is a defined benefit plan, and partially a defined contribution plan. Recently, some employers have transformed their traditional defined benefit pension plans into various types of “hybrid plans,” and in the process, they have reduced the ramifications which benefits accrue for their older workers. Older workers have successfully challenged some of these arrangements as age discriminatory. During its more than 80-year history, the YWCA Retirement Fund has never treated any worker differently based on age or longevity of employment. Most of the controversy surrounding these plans focuses on how employers treat certain participants when they convert their pre-existing pension plans. But the YWCA pension program never converted—its basic structure has remained the same since it was established 1924. The success of some of these lawsuits has raised questions about whether the YWCA pension plan could be found to be age discriminatory merely on the basis of its design. This threat is particularly acute given the fact that the YWCA Retirement Fund is a multiple employer pension plan—a plan that relies on contributions from each local YWCA. This enormous potential liability would be shared jointly by all local YWCAs. Under current law, even the mere threat of lawsuit could cause local YWCAs to end their participation in the plan. If enacted, this legislation would merely classify the YWCA retirement plan as a defined contribution plan only for the purpose of testing for age discrimination—it would continue to protect Retirees from being treated differently on the basis of age while eliminating the potential crippling legal threat. Legislation was enacted in 2004—Public Law 108-476—to clarify the legal status of the YMCA pension plan—a plan that is similar to the YWCA plan. Congress was right to protect the YMCA pension plan then and now it is time to protect the pension plan serving our YWCAs. 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. 3922

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 “YWCA Retirement Plan Preservation Act of 2006.”

SEC. 2. CLARIFICATION OF AGE DISCRIMINATION RULES. (a) In General.—A plan described in subsection (b) shall be treated as a defined contribution plan for purposes of sections 204(b)(1)(H) and 204(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H) and 1054(b)(2)) and section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(b)(1)).

(b) Pension Plan Described.—A pension plan described in this subsection is the plan subject to title IV of the Employee Retirement Income Security Act of 1974 maintained by the Young Women’s Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 12, 1924.

SEC. 3. AUTHORIZATION OF FEDERAL FUNDS. This Act authorizes additional resources to allow the Federal Judicial Center to provide a report to Congress on the results of the pilot program, along with additional information that will allow Congress to determine whether this approach has had the beneficial effects that we anticipate. Those who are following the patent debates in Congress closely will notice that this bill is very similar to a bill introduced in the House by Representatives Issa and Schiff, and I would like to acknowledge their work on this issue, as well as the work of other members of the House Judiciary Committee and the Subcommittee on Courts, the Internet, and Intellectual Property. I would also like to thank my colleague from California, Senator Feinstein, for her interest in this issue and for her willingness to cosponsor this bill.

I should also note that further refinements to this language will likely be necessary as it moves through the legislative process. In particular, we need to include a provision which would preserve a sufficient element of random assignment among judges. I understand some of my Senate colleagues have reservations about including this provision, but we will deal with that issue as the bill progresses.

I hope my colleagues in the Senate will join Senator Feinstein and me by supporting this legislation. I yield the floor.

By Ms. CANTWELL (for herself and Mrs. FEINSTEIN):

S. 3924. A bill to amend title XXI of the Social Security Act to allow qualifying States to use all or any portion of their allotments under the State Children’s Health Insurance Program to provide Medicaid subsidies; to the Committee on Finance.

MS. CANTWELL. Mr. President, I rise today to introduce the Children’s
Health Protection and Eligibility Act of 2006. I am delighted to have Senator Murray, Bingaman, and Mikulski introduce this bill with me today.

As health insurance costs continue to rise and the number of employers that offer coverage to their employees decline, our safety net programs are all the more critical, especially for the health of our children. It is more important than ever to sustain existing health care coverage for our children—and, in fact, to expand it. It’s the best way we know to prevent and improve access. It’s about keeping children healthy.

New Census data released last month showed that the number of uninsured has grown from 41.2 million in 2001 to 46.6 million in 2005. These are largely working families—the number of fulltime workers without any insurance increased to 17.7 percent in 2005 from 16.8 percent in 2002.

In Washington, our Medicaid programs currently providing coverage for more than 500,000 children. Our State Children’s Health Insurance Program is providing coverage to another 11,000 children. But 100,000 of our kids in Washington State remain uninsured even though they are eligible for one of the public programs.

One barrier to expanding kids’ access to health care in Washington is the funding rules that were put into place when SCHIP was enacted in 1997. In short, our state has been punished for its early innovation for doing the right thing.

When SCHIP was enacted at the Federal level in 1997, Washington was one of only four States already providing health coverage for children at the level Federal lawmakers wanted SCHIP to reach. Under the original Federal rules, Washington was not allowed to use new funds to pay for children who were covered prior to SCHIP’s implementation.

As a result, we have been penalized and prevented from fully using our share of the funding. That is why in 2002 I worked to ensure a temporary fix when SCHIP was enacted in 1997. In short, our state has been punished for its early innovation for doing the right thing.

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\(\text{\textbf{(V) OUTSTATIONING ENROLLMENT STAFF.–}}\)

The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities of disproportionate need hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1906(i)(2)(B) consistent with section 1902(a)(2).

\(\text{(c) EFFECTIVE DATE.–}\)The amendments made by this section shall take effect on October 1, 2006, and shall apply to expenditures made by this section shall take effect on October 1, 2006, and shall apply to expenditures made after that date.

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**By Mr. LUGAR:**

S. 3925. A bill to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes; read the first time.

Mr. LUGAR. Mr. President, I am introducing legislation today at the request of the executive branch and will be seeking your consent to request its passage as soon as possible. The Foreign Affairs Management Authorities Act of 2006 contains provisions requested by the State Department and the Broadcasting Board of Governors that will enable the two agencies to do their work more efficiently and effectively.

Title I of this bill creates a new pay performance system for Foreign Service officers with the rank of 01 and below and creates a uniform worldwide pay scale. The American Foreign Service Association supports these. I am including a letter from Anthony Holmes, the AFSA President. The Senior Foreign Service already participates in a pay for performance plan as mandated in previously enacted law. Section 412(a)(2) PL108–447, Div. B.

The legislation replaces “within grade increases” with a requirement that, upon the introduction of the new Foreign Service Schedule in April 2008, any further increases in pay are to be based on individual performance rather than longevity of service. It directs the Secretary of State to pay to each member of the Service an adjustment taking into account “individual performance, contribution to the mission of the Department, or both, under a rigorous performance management system that makes meaningful distinctions based on relative performance and that clearly links individual pay and performance to prescribed criteria."

Each Secretary of State, or the Broadcasting Board of Governors as prescribed by law, shall establish a limited authority for the Secretary of State, or the Broadcasting Board of Governors, as prescribed by law, to make appointments to positions that are required to be filled, temporarily, by contract personnel.

Title II contains a number of provisions that are contained in S.600, still being held on the Senate calendar. It also contains provisions that were requested by the executive branch and were subsequently recommended to the Senate Foreign Relations Committee’s passage of S. 600. The provisions in Title II of this legislation are as follows:

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Section 201. Education allowances modifies current law to: 1. permit payment of certain fees required by overseas schools for successful completion of a course or grade; 2. allow for travel to the United States for children in kindergarten through grades 12 when the schools at post are not adequate; 3. allow for education travel to a school outside the United States for children at the secondary and college level; 4. provide for educational travel at the graduate level for children whose parents are still dependents (students older than 22 would be ineligible for such travel); and 5. allow the option of storing a child’s personal effects near the school during their trip to post, rather than transporting the effects back and forth.

Section 202. Fraud Prevention and Detection Account broadens the Secretary of State’s authority to use a portion of fees collected for H-1B, H-2B, and L-1 visas to detect and prevent fraud in other visa categories, including fraud in connection with terrorist activities. Allowing an expanded use of the funds will assist the Department in developing a system that concentrates on H and L visa fraud, which statistically reduce fraud among visa classifications and increase the U.S. ability to disrupt terrorist travel.

Section 203. Extension of Privileges and Immunities extends diplomatic privileges and immunities to the African Union Mission to the United States and to the Permanent Observer Mission of the Holy See, and to members of both of these missions.

Section 204. International Litigation Fund allows the Department to retain awards of costs and attorneys’ fees when defending against international claims in addition to amounts currently allowed to be retained when it successfully prosecutes a claim.

Section 205. Personal Services Contracting; BBG, the legislation extends for one year a pilot program allowing the BBG to hire 60 U.S. citizens or foreign nationals on short-term contracts for a maximum of two years.

Section 206. Extension of privileges and immunities extends diplomatic privileges and immunities to the African Union Mission to the United States and to the Permanent Observer Mission of the Holy See, and to members of both of these missions.

Section 207. Personal Services Contracting; BBG, the legislation extends for one year a pilot program allowing the BBG to hire 60 U.S. citizens or foreign nationals on short-term contracts for a maximum of two years.
carry out oversight responsibilities related to Afghanistan.

Section 206. Facilitating Service in Iraq and Afghanistan is a technical correction to an inadvertent drafting error in section 1602(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234). The intent behind section 1602(a) was to provide the Secretary of State with additional authority to waive service annuity limitations on reemployed Foreign Service annuitants to support U.S. efforts in Iraq and Afghanistan. As enacted, however, section 1602(a) has the unintended effect of cutting back significantly on the Secretary of State’s pre-existing authority to waive Foreign Service annuity limitations in an emergency involving a direct threat to life or property or other unusual circumstances, without regard to geographic location. This technical correction to the Secretary of State’s existing authority and provides the intended additional authorities with respect to Iraq and Afghanistan.

Section 207. Discontinuance of Duplicative Reports directs the Comptroller General to remove a number of reports that have been overtaken by events or contain material that is covered in other executive branch submissions to the Congress. I ask my colleagues to give favorable and speedy consideration to this measure.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Richard G. Lugar,
Chairman, Senate Committee on Foreign Relations, Washington, DC.

DEAR CHAIRMAN LUagar: On behalf of the 11,000 American Foreign Service Association (AFSA), please accept our sincere appreciation for your leadership during the 109th Session on a number of fronts, including our members and to the United States. In particular, AFSA is grateful for your determination to address the existing pay disparity between Washington-based Foreign Service personnel and those on assignment overseas. As you know, this pay equity issue has been our highest priority for many years. I want you to know the great importance that AFSA attaches to passing legislation that will allow America to continue to grow and keep prices down, and not just because I want to keep them down for consumers, which is great, but to allow America to continue to develop the new technologies that will allow America to continue to grow and keep prices down, and not just because I want to keep them down for consumers, which is great, but to allow America to continue to do certain things. One of them, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.

One of the things I hear as a frustration of so many people I talk to in Pennsylvania is they look at the conflicts we are in in Afghanistan, Iraq, and other places in the world, and they don’t see an end or a strategy of how we succeed. I suggest that part of that is because they have the wrong impression to the American people that we are fighting a war against America’s Energy Future Act.

It comes from the basis that I believe we are facing in this country—a threat. We are, in my opinion, already in the very early stages of a world war. We can act now to make this threat—which I believe is a serious one but not yet fully actualized—less severe if we do certain things before, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.

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By Mr. SANTORUM:

S. 3926. A bill to provide for the energy, economic, and national security of America, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I gave a speech a couple weeks ago about the situation in the Middle East. I want to just use this time in brief to discuss the context of introducing today what we call the Empower America: Securing America’s Energy Future Act.

It comes from the basis that I believe we are facing in this country—a threat. We are, in my opinion, already in the very early stages of a world war. We can act now to make this threat—which I believe is a serious one but not yet fully actualized—less severe if we do certain things before, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.

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It comes from the basis that I believe we are facing in this country—a threat. We are, in my opinion, already in the very early stages of a world war. We can act now to make this threat—which I believe is a serious one but not yet fully actualized—less severe if we do certain things before, as you will hear at the conclusion of my remarks, will be focusing on our energy situation here at home.
the time, that this is their objective. It is a messianic vision; they are being compelled by their faith.

Some pass it off as a bunch of dictators who are just using religion to prop themselves up, to maintain control over other areas of the world. Well, that would be bad enough. That would be dangerous enough. But I think we underestimate them when we say that. I think we underestimate President Ahmadinejad and when we say that I believe they are true believers, and I don’t think we can afford the luxury of not believing that they believe this. I don’t think we can dismiss them as another group of two-bit tyrants. These are two-bit tyrants who have billions upon billions of dollars and have allies like North Korea, who have access to nuclear technology. They have scientists from Russia who left Russia because there is nothing for them to do, and they are in Tehran today developing the nuclear capability to project that power. Some would say I am beating the drums of war. No. I am accurately describing the situation at hand. Some disagree with me, and they are welcome to disagree. Do you want to take that chance? Do you want to take the chance of having a nuclear weapon? They are clear about their intention of developing it. Do you want to take that chance? I don’t.

How did this happen? Radical Islam has been present in the Middle East for a long time. We have not heard much from them except when? In the last 30, 40 years. Why? The price of oil. It is oil, to begin with, and now the high price of oil. It gives them the resources to not only feed the people to keep them in power but to produce weapons to project power. The only reason, again, they have those resources is because of this one three-letter word—oil—which brings us back to the beginning of this discussion.

If we are going to defeat radical fascist Islam, then we have to have a strategy to take resources away from them so they cannot project the power they can today. The only way to do that is by developing a more secure energy future for America and reducing our dependency on that oil, which would reduce the price of energy around the world. We need to encourage alternative energy production in this country; we have to do so around the world. We have to do so around the world by using alternative technology such as, for example, as I talk about in the bill, coal.

One of the greatest new energy consumers in the world is China. They don’t have a lot of oil, but they have a lot of coal. So it is an opportunity for us, with coal to gas and coal to liquid fuels technology, developing and commercializing that technology. And it is not just about coal liquids, but if you talk to folks in the business who are developing these plants right now—and one is being developed in Pennsylvania, which I have been involved with—they believe they can use all sorts of organic matter, such as waste products, to blend in with the coal to be able to produce liquid fuel.

We need to have that technology in America and we must not only have the government support that technology, and they are developing it, by the way, in China. We need to create from the vast amount of energy opportunities that we have in America and around the world new technologies so it becomes less of a valuable commodity. This is one concrete way we can fight the war on radical Islamic fascism.

I have put together a bill that talks about making—it does, if it would be—passed—a huge investment, a huge investment in alternative technologies, a huge investment in coal, a huge investment in renewables to create a more secure energy future for America. We can no longer talk about how we are going to do this or that we will do it at a future date. It is now. We need to provide support for the commercialization of this technology. We are not going to see energy produced at $20 a barrel, the equivalent of oil. We are not going to see it done. It may be more expensive. We have to make sure we provide proper support in loan guarantees, incentives, and tax credits to make this a profitable venture and a secure venture for people to invest in. It is not something that normally I have come to the Chamber and said that this is the Government’s job. This is national security. This is not about subsidizing big business. This is about producing energy here for the security of our country. We either make the investment here or we pay a horrible price, human as well as financial, in the future.

We need to think big, and we need to think now. That is why—when I spoke before commentator from Louisiana made before I came to the floor on opening up OCS—it is unconscionable for us to look at the national security situation we look at today, to look at the subsides we are providing to our enemies and say: Oh, oh, we can’t explore for oil in Alaska or OCS. Oh, we are worried about the environment.

I am worried about the environment, too. In my State of Pennsylvania, in the western part of our State, we drill 3,000 gas wells a year—3,000—on farms, in neighborhoods, outside neighborhoods, in people’s backyards. At Oakmont Country Club, which is where the U.S. Open is going to be played, they are going to drill a gas well right next to Oakmont Country Club. That is pretty much an environmental area. Nobody wants to pollute Oakmont Country Club. We are going to drill a gas well there.

Yes, there are people on this floor who won’t drill those wells in Alaska where nobody goes, where nobody is. As a result, our country is at risk. We feed an enemy huge resources to combat us
in their attempt to destroy us. It is unconscionable for us, a country that produces oil and gas cleaner and more efficiently than any other country in the world, to allow our enemy to hold us, not just hostage, but to gain resources to destroy us because we placate an interest through funds, campaigns, and influences voters.

I know many in this Chamber and many in this country do not believe we are at war or do not believe this war is serious. Time will tell. I think, unfortunately, time will tell us in a relatively short period of time how serious this is, and we will look back on this time as we stood year after year for the past 10 years twiddling our thumbs, not doing what we can do to provide a more secure energy future for this country, and we will look back in horror of the blinders, of the scales we had on our eyes that we could not see the threat before us.

We must do something. The bill I am introducing today is a comprehensive package that does a lot to make America a safer country, first and foremost, from a national security perspective and, secondly, from an economic perspective.

I know we only have a week left. The Senator from Louisiana talked about trying to get a bill done. Let’s get something done. I plead for us to get something done to create some new sources of energy for this country, to put some downward pressure on world market prices. It is essential for us to do so.

We need to make this commitment for the future of our country.

By Mrs. BOXER.

S. 3927. A bill to require the placement of blast-resistant cargo containers on all commercial passenger aircraft; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I was pleased that the Senate leadership finally agreed to consider a port security bill last week. It is high time we did more about security at our ports.

Our ports are a soft target. We knew this before 9/11 and many experts have warned us since that terrible day that our ports are vulnerable to attack.

Since the port security bill was signed into law at the end of 2002, we have not moved forward on port security, and it remains dangerously underfunded. Since the 9/11 attacks, we have spent only $816 million on port security grants, despite Coast Guard estimates that $5.4 billion is needed over 10 years.

Addressing port security is critical. However, security for other transportation modes is important, but the Republican leadership wanted us to do port security and nothing else.

Through the efforts of many Senators, provisions for rail and transit security were included. But, the final bill the Senate produced is a relic in any major provisions for aviation security. Yes, aviation security has improved greatly in the last five years. But, as we recently found out with the aviation terrorist plot uncovered by the British authorities, there are still holes in the system.

Transportation Security Administration, TSA, has implemented new security procedures since we learned of the attempted liquid explosives on flights from Great Britain to the United States. While I support these new procedures, TSA is asking passengers to give up their lip gloss, yet we are not examining cargo loads on a little over 200 passenger planes.

I am pleased that the Department of Homeland Security will launch a pilot program at San Francisco Airport, SFO, this October to check all commercial cargo for explosives on passenger flights.

We should be doing this at every airport to ensure the security of the flying public and the solvency of the airline industry. But until that time, at the very least, we need to use at least one hardened cargo container on passenger planes that carry cargo. This was one of the recommendations of the 9/11 Commission.

For several years, I have been working to get these containers on planes. Currently, TSA is undertaking a pilot project using these containers, some of which are made with Kevlar, for cargo. But we must move past pilot programs.

We should use blast-resistant containers for cargo on all passenger planes. The 9/11 Commission recommended, TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo. Therefore, all passenger planes should have at least one blast-resistant container for cargo.

To place one blast-resistant container on each plane, it would cost about $75 million—this is equal to the cost of a little over 5 hours in Iraq. Imagine the impact on the security of the country and the financial outlook for the airline industry if a plane were to explode during a flight.

We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

By Mrs. BOXER.

S. 3928. A bill to provide for the Office of Domestic Preparedness of the Department of Homeland Security to provide grants to local governments for public awareness education relating to preparedness for natural disasters, terrorist attacks, and influenza pandemic; to the Committee on Health, Education, and the Arts; and to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, in the last 5 years, Americans have faced both devastating terrorist attacks and natural disasters. We have also been warned that an avian flu pandemic is a strong possibility.

In California, we have had fires, floods, mudslides, and earthquakes—thankfully not the big one.

We have learned that disasters are inevitable. Being prepared is crucial—especially when the American people cannot rely on the Federal Government, which was demonstrated by the poor Federal response in Hurricane Katrina. Department of Homeland Security Director Michael Chertoff has even said, People should be prepared to sustain themselves for up to 72 hours after a disaster.

Therefore, being prepared and knowing how to respond in the days following a natural disaster is extremely important. However, people do not know how to prepare, and, unfortunately, local governments may lack the resources to educate their residents.

According to the Los Angeles Times, Los Angeles County officials could not afford to distribute pamphlets on earthquake preparedness for individuals with special needs.

That is why I am pleased to introduce legislation that will provide grants, through the Department of Homeland Security’s Office of Domestic Preparedness, to local governments to educate the public about how to deal with natural disasters, terrorist attacks, and an influenza pandemic.

It is important that we work to make sure that local communities are able to prepare their citizens to deal with future disasters.

I hope my colleagues will support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 578—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 578

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a
later stage of cancer progression than for all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas, according to a recent paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African American men; and

(2) declares the critical importance of the designation of increased funding for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots levels to end that health crisis.

Mr. KERRY. Mr. President, today, I am joining Congressman GREG MEeks to submit a Senate resolution aimed at raising awareness of the prostate cancer crisis among African American men. This Resolution urges Congress to provide the funds necessary to prevent and fight the disease, and to encourage African-American men to get screened.

Prostate cancer is the second leading cause of cancer related death for African-American men. They have the highest incidence and mortality rate due to prostate cancer of any ethnic or racial group. African-American men are dying at a rate of 140 percent—almost 2½ times—higher than other groups. That is the largest disparity for any major cancer.

No person of any race should have to suffer unnecessarily from a disease we have the medical science and moral obligation to prevent, detect, and treat. It should no longer rob sons, daughters, and loved ones. Just as the doctrine of “separate but equal,” was wrong in education, it is wrong in health care. We must reform the system so that the quality of health care for every American man is on the color of any American’s skin. We need to fund more research and greater outreach efforts. For this reason, I urge every member of Congress to support this resolution.

Whereas for decades the people of Poland struggled heroically for freedom and democracy against that oppression, paying at times the ultimate sacrifice;

Whereas, in Poland, the Solidarity Trade Union was formed in Poland;

Whereas membership in the Solidarity Trade Union grew rapidly in size to 10,000,000 members, the largest trade union organization in the world, representing 140 percent of the population of Poland;

Whereas, through his profound influence, Pope John Paul II gave the people of Poland the hope and strength to bear the torch of freedom that eventually lit up all of Europe;

Whereas the support of the Polish-American community while martial law was imposed on Poland was essential in encouraging the people of Poland to continue to struggle for liberty;

Whereas the people of the United States were greatly supportive of the efforts of the people of Poland to rid themselves of an oppressive government; and

Resolved, That the Senate—

(1) designates December 13, 2006, the 25th anniversary of the imposition of martial law by the Communist government in Poland, as a Day of Remembrance honoring the sacrifices paid by the people of Poland during the struggle against Communist rule;

(2) honors the people of Poland who risked their lives to restore liberty in Poland and to return Poland to the democratic community of nations; and

(3) calls on the people of the United States to remember that the struggle of the people of Poland greatly contributed to the fall of Communism and the ultimate end of the Cold War.

S. RES. 580

Whereas bees, butterflies, and other pollinator species have a critically important role in agriculture in the United States and help to produce a healthy and affordable food supply and sustain ecological health;

Whereas pollinators help to produce an estimated 1 out of every 3 bites of food consumed in the United States and to reproduce at least 80 percent of the crops pollinated by bees and other pollinators; and

Whereas commodities produced in partnership with animal pollinators generate significant income for agricultural producers, with domestic honey bee pollination an estimated $14,600,000,000 worth of crops in the United States each year produced on more than 2,000,000 acres;

Whereas it is in the strong economic interest of agricultural producers and consumers in the United States to help ensure a healthy, sustainable pollinator population;

Whereas possible declines in the health and population of pollinators pose what could be a significant threat to global food webs, the integrity of biodiversity, and human health;

Whereas the North American Pollinator Protection Campaign, managed by the Co-evolution Institute, is a tri-national, cooperative conservation, public-private collaboration with individuals from nearly 140 diverse stakeholder groups, including concerned landowners and managers, conservation and environmental groups, private businesses, and government agencies; and

Whereas the Pollinator Partnership’s web site (http://www.pollinator.org) has been created as the source for pollinator information; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the partnership role that pollinators play in agriculture and healthy ecosystems as a cooperative conservation partner in the North Atlantic Treaty Organization, and a reliable partner in the war on terrorism that maintains an active and crucial presence in Iraq and Afghanistan; Now, therefore, be it

Resolved, That the Senate—

(1) designates June 24 through 30, 2007, as “National Pollinator Appreciation Week.”

The Senate—

(2) applauds the cooperative conservation collaborative efforts of participants in the North American Pollinator Protection Campaign to increase awareness about the important role of pollinators and to build support for protecting and sustaining pollinators; and

(3) designates June 24 through 30, 2007, as “National Pollinator Appreciation Week.”

Whereas President Chavez has decreed that Venezuela after he was elected in 1998;

Whereas, to consolidate his powers, President Chavez and admonishing the actions of President Hugo Chavez and condemned the anti-democratic actions of President Hugo Chavez and admonishing the statements made by him to the United Nations General Assembly on September 20, 2006

Mr. BUNNING (for himself, Mr. INHOFF, and Mr. VITTER) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 581

Whereas, to consolidate his powers, President Chavez and admonishing the actions of President Hugo Chavez and condemned the anti-democratic actions of President Hugo Chavez and admonishing the statements made by him to the United Nations General Assembly on September 20, 2006

Whereas, in August 2004, President Chavez survived a recall vote through intimidation and other undemocratic actions;

Whereas President Chavez has enacted a media responsibility law placing restrictions
on broadcast media coverage, imposing seve-
re penalties for violations, and using other
legal methods to intimidate media outlets
that criticize his government.

Whereas President Chavez and his sup-
porters have stated their intention to use
their full control of the national assembly to
change the constitution of Venezuela to
allow President Chavez to remain in power
until 2030, a period of time that exceeds the
current constitutional limits of Venezuela;

Whereas, in an effort to destabilize the al-
ready fragile democratic governments of
other countries in the region, President Cha-
vaz is supporting radical forces in Colombia,
Bolivia, and Ecuador, as well as leftist par-
ties in those countries;

Whereas President Chavez has repeatedly
stated his desire to unite Latin America to
serve as a buffer against the United States;

Whereas President Chavez has aligned him-
self with pariah states that are classified by
the Department of State as sponsors of ter-
rorism;

Whereas President Chavez has developed a
close relationship with the Dictator of Cuba,
Fidel Castro;

Whereas President Chavez has also associ-
ated himself with other dictators, including
Kim Jong II of North Korea and the totali-
tarian regime of Iran;

Whereas President Chavez was allowed to
promote hatred in a speech in which he de-
liberated the National Assembly on September 20, 2006, and referred to the
President of the United States as “the devil”;

Whereas President Chavez referred to the
President of the United States as “the spokesman of imperialism” for the efforts of
the United States to aid the citizens of Af-
ghanistan and Iraq in the goal of those citi-
zens to create a permanent and viable repre-
sentative government; and

Whereas President Chavez made unsub-
stantial claims that the United States has
set in motion a coup in Venezuela and con-
tinues to support coup attempts in Ven-
ezuela and elsewhere; Now, therefore, be it
Resolved, that the Senate condemns Presi-
dent Chavez for his anti-democratic actions
and his statements made at the United Na-
tions General Assembly on September 20,
2006.

SENATE CONCURRENT RESOLUTION 117—OFFICIALLY DESIG-
NATING THE NATIONAL MUSEUM OF THE PACIFIC WAR IN FRED-
ERICKSBURG, TEXAS, AS THE NATIONAL MUSEUM OF THE PA-
CIFIC WAR

Mr. CORNYN (for himself and Mrs.
Hucrom) submitted the following concur-
rent resolution; which was referred to the Committee on Energy and Natural
Resources:

S. CON. RES. 117

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, was
founded in 1966 by local citizens in honor of
Admiral Chester Nimitz, a Fredericksburg,
Texas, native and in honor of those who
served in the World War II Pacific War, de-
fending freedom and liberty and the Na-

tions General Assembly on September 20,
2006, and referred to the United Nations
General Assembly on September 20, 2006, and referred to the
President of the United States as “the devil”; and
Whereas President Chavez associated himself with with dictatorships of other countries that are classified by the
Department of State as sponsors of terror-
ism; and
Whereas President Chavez was allowed to
promote hatred in a speech in which he de-
liberated the National Assembly on September 20, 2006, and referred to the
President of the United States as “the devil”; and
Whereas President Chavez referred to the
President of the United States as “the
spokesman of imperialism” for the efforts of
the United States to aid the citizens of Af-
ghanistan and Iraq in the goal of those citi-
zens to create a permanent and viable repre-
sentative government; and

Whereas President Chavez made unsub-
stantial claims that the United States has
set in motion a coup in Venezuela and con-
tinues to support coup attempts in Ven-
ezuela and elsewhere; Now, therefore, be it
Resolved, that the Senate condemns Presi-
dent Chavez for his anti-democratic actions
and his statements made at the United Na-
tions General Assembly on September 20,
2006.

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, is fre-
quently referred to as the Admiral Nimitz
Museum;

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, is the only institution in the United States dedicated exclusively to telling the
story and interpreting the experiences of the United States and its allies that took part in the Pacific War in World War II
on the battlefield, ocean, and home front;

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, has
grown to nearly 34,000 square feet of indoor
exhibit space;

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, boasts an
impressive display of Allied and Japanese
aircraft, tanks, guns, and other large arti-
facts made famous during the Pacific War
campaigns;

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, high-
lights:

(1) the personal effects of those who made
history in the Pacific;

(2) aircraft and battleship remnants;

(3) art; and

(4) other rare treasures;

Whereas there remains a need to preserve
in a museum setting both:

(1) evidence of the horror, courage, patriot-
ism, and sacrifice of those Americans who
served and sacrificed in the defense of liberty
during World War II;

(2) evidence of other relevant subjects; and

Whereas the National Museum of the Pa-
cific War in Fredericksburg, Texas, houses
an archival collection of materials—main-
tained by the Center for Pacific War Stud-
ies—that contains more than 10,000 Pacific
War photos, an extensive collection of pri-
vate papers, official documents, and manu-
scripts, and a research library of more than
3,000 volumes, all related to the Pacific War:

Now, therefore, be it

Resolved by the Senate (the House of Rep-
resentatives concurring), That Congress—

(1) designates the National Museum of the
Pacific War in Fredericksburg, Texas, in-
cluding the museum’s future and expanded
exhibits, collections, archives, artifacts, and
education programs, as “The National Mu-
sum of the Pacific War”;

(2) supports efforts to preserve historic
moments in our Nation’s history;

(3) recognizes that the continued collec-
tion, preservation, and interpretation of the his-
torical objects and other historical materials held by The National Museum of the
Pacific War enhance our knowledge and under-
standing of the experience of past and present members of the United States Armed
Forces among freedom-loving people around
the world;

(4) asks all Americans to join in cele-
b rating The National Museum of the Pacific
War and its mission of preserving and safe-
guarding the legacy of the heroes of the Pa-
cific War; and

(5) encourages present and future genera-
tions to understand the sacrifices all Ameri-
cans made during the difficult times of
World War II, to understand how World War
II shaped the Nation, other countries, and
subsequent world events, and how the sacri-
rifices made then helped preserve liberty, de-
ocracy, and the founding principles for genera-
tions to come.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 5026. Mr. BURNS submitted an amend-
ment intended to be proposed by him to the
bill S. 6601, supra, which was ordered to lie
on the table.

SA 5027. Mr. BURNS submitted an amend-
ment intended to be proposed by him to the
bill H.R. 6601, supra, which was ordered to lie
on the table.

SA 5028. Mr. LEAHY submitted an amend-
ment intended to be proposed by him to the
bill H.R. 6601, supra, which was ordered to lie
on the table.

SA 5029. Mr. DURBIN submitted an amend-
ment intended to be proposed by him to the
bill H.R. 6601, supra, which was ordered to lie
on the table.

TEXT OF AMENDMENTS

SA 5026. Mr. BURNS submitted an amend-
ment intended to be proposed by him to the
bill H.R. 6601, to establish operational control over the inter-
national land and maritime borders of the
United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 3. ENHANCED BORDER SURVEILLANCE.

Not later than 1 year after the date of the
enactment of this Act, the Secretary of
Homeland Security, in conjunction with the
Administrator of the Federal Aviation Ad-
ministration, shall establish a 1-year pilot
program at the Northern Border Air Wing
bases of the Office of Customs and Border Protection Air and Marine to test the use of
unmanned aerial vehicles for border surveil-
ance along the international marine and
land border between Canada and the United
States.

SA 5027. Mr. BURNS submitted an amend-
ment intended to be proposed by him to the
bill H.R. 6601, to establish operational control over the inter-
national land and maritime borders of the
United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 4. STUDY ON METHAMPHETAMINE INFIL-
TRATION AT THE BORDERS.

Not later than 180 days after the date of
enactment of this Act, the Secretary of
Homeland Security, in conjunction with the
Drug Enforcement Agency, shall report to...
(1) on the amount and type of methamphetamine seizures occurring at both the northern and southern borders; and
(2) after considering the flow of methamphetamine and its precursors across our borders, recommendations identifying funding, equipment, and infrastructure needs to better combat methamphetamine trafficking across United States borders with particular attention to the manpower and equipment needs on Indian reservations located at or near United States borders.

SA 5028. Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) submitted an amendment by proxy to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

DIVISION A—COMPREHENSIVE IMMIGRATION REFORM

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Comprehensive Immigration Reform Act of 2006.”

(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION A—COMPREHENSIVE IMMIGRATION REFORM

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders
Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border Patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports
Sec. 111. Surveillance plan.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico’s southern border.
Sec. 115. Combating human smuggling.
Sec. 116. Deaths at United States-Mexico border.
Sec. 117. Cooperation with the Government of Mexico.

Subtitle C—Other Border Security Initiatives
Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border Patrol training capacity review.
Sec. 124. Us-visit System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit System.
Sec. 129. Border study.
Sec. 130. Secure Border Initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Sec. 133. Temporary National Guard support for securing the southern land border of the United States.
Sec. 134. Report on incentives to encourage certain members and former Members of the Armed Forces to serve in the Bureau of Customs and Border Protection.
Sec. 135. Western Hemisphere Travel Initiative.

Subtitle D—Border Tunnel Prevention Act
Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.

Subtitle E—Border Law Enforcement Relief Act
Sec. 151. Short title.
Sec. 152. Findings.
Sec. 153. Border relief grant Program.

Subtitle F—Rapid Response Measures
Sec. 161. Deployment of Border Patrol agents.
Sec. 162. Border Patrol major assets.
Sec. 163. Electronic equipment.
Sec. 164. Personal equipment.
Sec. 165. Authorization and appropriations.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, VISA, and Immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and Immigration fraud offenses.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States lawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain Immigration, naturalization, and fraud detection agents.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 217. Construction.
Sec. 218. Diplomatic security Service.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Sec. 221. Foreign national Picker.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local Enforcement of Federal Immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expediting removal.
Sec. 228. Protecting immigrants from condições.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.

TITLE V—BACKLOG REDUCTION

Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of Immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of Immigration status of individuals charged with Federal offenses.
Sec. 235. Expansion of the Justice Prisoner and Alien Transfer System.

TITLE VI—Rapid Response Measures
Sec. 236.簡化移徙手続き
Sec. 237. Retaining workers Subject to green card backlogs.

TITLE VII—SKILL ACT
Sec. 251. Short title.
Sec. 252. H-1b VISA holders.
Sec. 253. Market-based VISA limits.
Sec. 254. United States educated immigrants.
Sec. 255. Student visa reform.
Sec. 256. L-1 VISA holders Subject to VISA backlog.
Sec. 257. Retaining workers Subject to green card backlogs.
Sec. 258. Streamlining the adjudication process for established employers.

TITLE VIII—IMMIGRANT AND REFUGEES PROTECTION
Sec. 261. Immigration impact study.
Sec. 262. Noncitizen veterans.
Sec. 263. Admission of nonimmigrant temporary guest workers.
Sec. 264. Employer obligations.
Sec. 265. Alien employment management System.
Sec. 266. Rulemaking; effective date.
Sec. 267. Recruitment of United States workers.
Sec. 268. Temporary guest worker VISA Program Task Force.
Sec. 269. Requirements for participating countries.
Sec. 270. S visas.
Sec. 271. L VISA limitations.
Sec. 272. Compliance investigators.
Sec. 273. VISA waiver Program expansion.
Sec. 274. Authorization of appropriations.

Subtitle B—Immigration Injunction Reform
Sec. 275. Short title.
Sec. 276. Appropriate remedies for Immigration legislation.
Sec. 277. Effective date.

TITLE IX—ENHANCED SECURITY AND ACCOUNTABILITY
Sec. 281. Determinations with respect to children under the Haitian Refuge Immigration Fairness Act of 1996.

Subtitle B—SKILL Act
Sec. 291. Short title.
Sec. 292. H-1b VISA holders.
Sec. 293. Market-based VISA limits.
Sec. 294. United States educated immigrants.
Sec. 295. Student visa reform.
Sec. 296. L-1 VISA holders Subject to VISA backlog.
Sec. 297. Retaining workers Subject to green card backlogs.
Sec. 298. Streamlining the adjudication process for established employers.

TITLE X—IMMIGRATION AND Border Security
Sec. 299. Children of Filipino World War II veterans.
Sec. 300. Expedited adjudication of employer petitions for aliens of extraordinary artistic ability.
Sec. 301. Powerline workers.
Sec. 302. Determinations with respect to children under the Haitian Refuge Immigration Fairness Act of 1996.

Subtitle C—Other Border Security Initiatives
Sec. 311. Surveillance plan.
Sec. 313. Reports on improving the exchange of information on North American security.
Sec. 314. Improving the security of Mexico’s southern border.
Sec. 315. Combating human smuggling.
Sec. 316. Deaths at United States-Mexico border.
Sec. 317. Cooperation with the Government of Mexico.
Sec. 318. Other Border Security Initiatives
Sec. 319. Biometric data enhancements.
Sec. 320. Secure communication.
Sec. 321. Border Patrol training capacity review.
Sec. 322. Us-visit System.
Sec. 323. Document fraud detection.
Sec. 324. Improved document integrity.
Sec. 325. Cancellation of visas.
Sec. 326. Biometric entry-exit System.
Sec. 327. Border study.
Sec. 328. Secure Border Initiative financial accountability.
Sec. 329. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 330. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.
Sec. 529. Providing premium processing of Employment-Based visa petitions.
Sec. 530. Eliminating procedural delays in labor certification process.
Sec. 531. Completion of background and security checks.
Sec. 532. VISA revalidation.

Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims
Sec. 541. Short title.
Sec. 542. Definitions.
Sec. 543. Special immigrant status.
Sec. 544. Extension of filing or reentry deadlines.
Sec. 545. Humanitarian relief for certain surviving spouses and children.
Sec. 546. Receipt of public benefits.
Sec. 547. Age-out protection.
Sec. 548. Employment eligibility verification.
Sec. 549. Naturalization.
Sec. 550. Discretionary authority.
Sec. 551. Evidentiary standards and regulations.
Sec. 552. Identification documents.
Sec. 553. Waiver of regulations.
Sec. 554. Notices of change of address.
Sec. 555. Foreign students and exchange programs.

Subtitle B—Agricultural Job Opportunities, Legalization of Undocumented Individuals
Sec. 601. Access to earned adjustment and mandatory departure and reentry.
Sec. 602. Access to earned adjustment and mandatory departure and reentry.
Sec. 603. Conditional permanent resident status.
Sec. 604. Recipient of public benefits.
Sec. 605. Age-out protection.
Sec. 606. Employment eligibility verification.
Sec. 607. Naturalization.
Sec. 608. Discretionary authority.
Sec. 609. Evidentiary standards and regulations.
Sec. 610. Identification documents.
Sec. 611. Waiver of regulations.
Sec. 612. Notices of change of address.

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry
Sec. 613. Access to earned adjustment and mandatory departure and reentry.
Sec. 614. Correction of Social Security records.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS
Sec. 615. Amendment to the Immigration and Nationality Act.

CHAPTER 2—REFORM OF H-2A WORKER PROGRAM
Sec. 616. Determination and use of user fees.
Sec. 617. Regulations.
Sec. 618. Report to Congress.
Sec. 619. Effective date.

Subtitle C—State Court Interpreter Grant Program
Sec. 620. Short title.
Sec. 621. Findings.
Sec. 622. State court interpreter program.
Sec. 623. Authorization of appropriations.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security
Sec. 624. Restoration of State option to determine residency for purposes of higher Education benefits.
Sec. 625. Conditional permanent resident status.
Sec. 626. Retroactive benefits.
Sec. 627. Exclusionary jurisdiction.
Sec. 628. Penalties for false statements in application.
Sec. 629. Confidentiality of information.
Sec. 630. Expedited processing of applications; prohibition on fees.
Sec. 631. Higher Education assistance.
Sec. 632. GAO report.

Subtitle D—Programs To Assist Nonimmigrant Workers
Sec. 633. Program to assist nonimmigrant workers.
Sec. 634. Ineligibility and removal prior to application period.
Sec. 635. Grants to support public education and community training.
Sec. 636. Strengthening American citizenship.
Sec. 637. Supplemental Immigration fee.
Sec. 638. Addressing poverty in Mexico.

TITLE VII—MISCELLANEOUS
Subtitle A—Immigration Litigation Reduction
CHAPTER 1—APPEALS AND REVIEW
Sec. 701. Additional Immigration personnel.

CHAPTER 2—IMMIGRATION REVIEW REFORM
Sec. 702. Board of Immigration Appeals.
Sec. 703. Immigration judges.
Sec. 704. Removal and review of judges.
Sec. 705. Legal orientation Program.
Sec. 706. Regulations.
Sec. 707. GAO study on the appellate process.
Sec. 708. Senior judge participation in the selection of magistrates.

Subtitle B—Citizenship Assistance for Members of the Armed Services
Sec. 711. Short title.
Sec. 712. Waiver of requirement for fingerprint prints for Members of the Armed Forces.
Sec. 713. Provision of information on naturalization to Members of the Armed Forces.
Sec. 714. Provision of information on naturalization to the public.
Sec. 715. Reports.

Subtitle C—State Court Interpreter Grant Program
Sec. 721. Short title.
Sec. 722. Findings.
Sec. 723. State court interpreter Program.
Sec. 724. Authorization of appropriations.

Subtitle D—Border Infrastructure and Technology Modernization
Sec. 731. Short title.
Sec. 732. Definitions.
Sec. 733. Port of Entry Infrastructure Assessment Study.
Sec. 735. Expansion of commerce security programs.
Sec. 736. Port of entry technology demonstration Program.
Sec. 737. Authorization of appropriations.

Subtitle E—Family Humanitarian Relief
Sec. 741. Short title.
Sec. 742. Adjustment of status for certain nonimmigrant victims of terrorism.
Sec. 743. Cancellation of removal for certain immigrant victims of terrorism.

Sec. 744. Exceptions.
Sec. 745. Evidence of death.
Sec. 746. Definitions.
Sec. 747. Other Matters.
Sec. 751. Noncitizen membership in the Armed Forces.
Sec. 752. Nonimmigrant alien status for certain athletes.
Sec. 753. Extension of returning worker exemption.
Sec. 754. Surveillance technologies programs.
Sec. 755. Comprehensive Immigration efficiency review.
Sec. 756. Northern Border Prosecution Initiative.
Sec. 757. Southwest Border Prosecution Initiative.
Sec. 758. Grant Program to assist eligible applicants.
Sec. 759. Screening of municipal solid waste.
Sec. 760. Access to Immigration services in areas that are not accessible by road.

Sec. 762. Unmanned Aerial Vehicles.
Sec. 763. Relief for widows and orphans.
Sec. 764. Terrorist activities.
Sec. 765. Family unity.
Sec. 766. Travel document plan.
Sec. 767. English as national language.
Sec. 768. Requirements for naturalization.
Sec. 769. Declaration of English.
Sec. 770. Preserving and enhancing the role of the English language.
Sec. 771. Exclusion of illegal aliens from congressional apportionment tabulations.
Sec. 772. Office of Internal Corruption Investigation.
Sec. 773. Adjustment of status for certain persecuted religious minorities.
Sec. 774. Eligibility of agricultural and forestry workers for certain legal assistance.
Sec. 775. Designation of Program countries.
Sec. 776. Global healthcare cooperation.
Sec. 777. Attestation by healthcare workers.
Sec. 778. Public access to the Statue of Liberty.
Sec. 779. National security determination.

TITLE VIII—INTERCOUNTRY ADOPTION
Sec. 801. Short title.
Sec. 802. Findings; purposes.
Sec. 803. Definitions.

Subtitle A—Administration of Intercountry Adoptions
Sec. 811. Office of Intercountry Adoptions.
Sec. 812. Recognition of Convention adoptions in the United States.
Sec. 813. Technical and conforming amendment.
Sec. 814. Transfer of functions.
Sec. 815. Transfer of resources.
Sec. 816. Incidental transfers.
Sec. 817. Savings provisions.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions
Sec. 821. Automatic acquisition of citizenship for adopted children born outside the United States.
Sec. 822. Revised procedures.
Sec. 823. Nonimmigrant visas for children traveling to the United States to be adopted by a United States citizen.
Sec. 824. Definition of adoptable child.
Sec. 825. Approval to adopt.
Sec. 826. Adjudication of child status.
Sec. 827. Funds.

Subtitle C—Enforcement
Sec. 831. Civil penalties and enforcement.
Sec. 832. Criminal penalties.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT
Except as otherwise expressly provided, whenever in this division 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 Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.
In this division:
(1) DEPARTMENT.—Except as otherwise provided, the term “DEPARTMENT” means the Department of Homeland Security.
(2) SECRETARY.—Except as otherwise provided, the term “SECRETARY” means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.
If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any
SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 350 the number of positions for full-time active-duty port of entry inspectors and provide appropriate protective equipment, and support to such additional inspectors.

(b) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking “800” and inserting “1000”.

(b) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(c) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 150 the number of positions for full-time active-duty Deputy United States Marshals that investigate criminal matters related to immigration.

(d) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation results of the program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) POINT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (b).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security by an amount equal to not less than 20 percent of the net increase in border patrol agents during each fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a “virtual fence” along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains:

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense during the first-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) UNMANNED AIRCRAFT PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Department of Homeland Security for the construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(g) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation results of the pilot program and recommendation for further action.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) replace all aging, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona; and extend existing primary and secondary fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fence a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 100 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aging, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fence a distance of not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(2) OTHER HIGH TRAFFICKED AREAS.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego, Yuma, Naco, and Lukeville, Arizona; and construct not less than 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and international criminals attempting to gain illegal entry into the United States.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that has been constructed along the international border between the United States and Mexico.
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(f) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall contain the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) An assessment of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology that will be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with development and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a comprehensive and reasoned analysis of the strategy described in section (a) that includes an assessment of efforts to take into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(c) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve operational control over the entire international land and maritime borders of the United States.

(d) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the progress made in implementing the strategy described in section (a) that includes an assessment of efforts to take into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve operational control over the entire international land and maritime borders of the United States.

(f) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the progress made in implementing the strategy described in section (a) and the impact of new security programs, policies, and technologies on the security of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the progress made in implementing the strategy described in section (a) and the impact of new security programs, policies, and technologies on the security of the United States.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, verification, and biometric standards that will support the issuance, authentication, validation, and repudiation of secure documents, including—

(i) passports;

(ii) visas;

(iii) permanent resident cards;

(iv) travel documents.

(b) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in the implementation of the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including identity theft, travel document fraud, and to analyze such trends.

(c) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world on sharing information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best

SEC. 114. REPORTS ON THE DEVELOPMENT OF A NATIONAL STRATEGY FOR Border Security.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the progress made in implementing the strategy described in section (a) and the impact of new security programs, policies, and technologies on the security of the United States.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, verification, and biometric standards that will support the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas;

(iii) permanent resident cards;

(iv) travel documents.

(b) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in the implementation of the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including identity theft, travel document fraud, and to analyze such trends.

(c) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world on sharing information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best

SEC. 115. REPORTS ON THE DEVELOPMENT OF A NATIONAL STRATEGY FOR Border Security.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report describing the progress made in implementing the strategy described in section (a) and the impact of new security programs, policies, and technologies on the security of the United States.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, verification, and biometric standards that will support the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas;

(iii) permanent resident cards;

(iv) travel documents.

(b) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in the implementation of the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including identity theft, travel document fraud, and to analyze such trends.

(c) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world on sharing information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best
practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that includes the development of common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration enforcement officers of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

4 NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that respect the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

5 TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist data and to comprehensively enumerate the uses of such data by the government of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States in the Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list using information to facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

6 MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, firearms trafficking, and evading alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Herbal Medicine Action Plan; and

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing and implementing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating an assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

7 LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with unexpected criminal aliens, including technical assistance for the development of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO’S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in cooperation with the Secretary, shall work to cooperate with the head of the Department of Homeland Security and the appropriate officials of the Government of Mexico to establish a program to—

(1) to assess the specific needs of Guatemala, Mexico, and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to facilitate the issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO. —The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala and Belize to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens; and

(2) to establish a program and database to track individuals involved in Central American gang activities.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Customs and Border Protection and the Bureau of Homeland Security and Immigration enforcement and the Department of Homeland Security and the appropriate officials of any other Federal, State, or local entities, as determined appropriate by the Secretary, to improve coordination efforts to combat human trafficking.

(b) REPORT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and disrupt human smuggling;

(5) joint measures, with the Secretary of State, to enhance information sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) such other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 116. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics related to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SEC. 117. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of the Interior, in cooperation with the Secretary of the Interior, and other appropriate officials of the Federal, State, and local law enforcement agencies and organizations involved in border security and immigration enforcement efforts, shall work with the appropriate officials of the Government of Mexico to improve coordination efforts to combat human smuggling along the border between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;
(4) the reduction of gang membership in the United States and Mexico;
(5) the reduction of violence against women in the United States and Mexico; and
(6) to carry out the other violent and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAW.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility to carry out activities to educate citizens and nationals in Mexico.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico in encouraging circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) CONSULTATION REQUIREMENT.—Federal, State, and local representatives in the United States shall consult with their counterparts concerning the construction of additional fencing and related border security structures along the international border between the United States and Mexico, and authorized by this title, before the commencement of any such construction in order to—
(1) solicit the views of affected communities;
(2) lessen tensions;
(3) foster greater understanding and stronger cooperation on this and other important national issues of mutual concern;
(4) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—
(1) in consultation with the Attorney General, enhance connectivity between the Automated Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and
(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien’s initial enrollment in the Integrated Entry and Exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1361a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable and as necessary for the efficient testing, and long-distance learning programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—
(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;
(B) the per agent costs of basic training; and
(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as practicable.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:
(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—
(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;
(B) the per agent costs of basic training; and
(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—
(1) equipping all land border ports of entry of the United States with the U.S-Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 197(b) of the Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1361a);
(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and
(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Border Patrol agents with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Immigration and Naturalization Service of the Department of Homeland Security.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the findings of the assessment required by paragraph (1).

SEC. 126. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1222(g)) is amended—
(1) in paragraph (1)—
(A) by striking “Attorney General’’ and inserting “Secretary of Homeland Security’’;
(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and
(3) by inserting after subsection (b) the following:
“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than a biometric document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien’s status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be tamper-resistant and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.”.

SEC. 127. SECURE BORDER SECURITY AND VISIT ENTRY SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185(b)) is amended—
(1) in section (a)—
(A) by redesignating subsection (c) as subsection (g);
(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and
(3) by inserting after subsection (b) the following:
“(c) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than a biometric document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien’s status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be tamper-resistant and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.”.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:
“(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—
“(A) any applicant for admission or alien seeking to transit through the United States; or
“(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 212(a)(13)(C).

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEMEN.—Section 252 (8 U.S.C. 1282)
is amended by adding at the end the following:

“(d) An immigration officer is authorized to collect biometric data from an alien crewman and to return to land temporarily in the United States.”.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien whom the Attorney General finds fails to comply with a lawful request for biometric data under section 215(c) or 230(d) is inadmissible.”; and

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility under section 212(f), with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of the Secretary for a subclass of aliens, at the discretion of the Secretary.”.

(e) IMPLEMENTATION.—Section 7208 of the 9-11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

“(5) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of title 5 of 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.”; and

(2) in subsection (d)—

(A) by striking “There are authorized,” and inserting in lieu thereof “There are authorized,” and

(B) by adding at the end the following:

“IN GENERAL.—There are authorized,” and

“BY THE END OF.—There are authorized,” and

“IN GENERAL.—There are authorized,” and

“BY THE END OF.—There are authorized,” and

“IN GENERAL.—There are authorized,” and

“BY THE END OF.—There are authorized,”

SEC. 129. BORDER STUDY.

(a) FOR BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, shall conduct a study on the construction and placement of physical barriers along the southern border of the United States.

(b) REQUIREMENTS.—The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the feasibility of constructing such a system;

(b) REQUIREMENTS.—The study shall include—

(5) an assessment of the impact such a system would have on international trade, commerce, and the environment;

(6) an assessment of the effect of such a system on private property rights including

issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System;

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the United States border with the United States, regardless of the immigration status of such individuals;

(13) an assessment of how such a system would affect the quality of life of the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperation enforcement efforts;

(14) an assessment of the effect of such a system on the national security of the United States; and

(15) an assessment of the effect of such a system on the national security of the United States; and

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall complete a review under this section with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General determines that such a system would have on public interest, security, or commerce, the Inspector General shall, as expeditiously as practicable, refer information related to such contract action to the Secretary for review.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report on the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(I) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(b) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(b) REPORTS ON USA TradePORTS.—Not later than 60 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed;

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out the requirements of this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN BORDERS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico, who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States, shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235a(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is a national of Mexico or a national of any country that the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if
enforcing the immigration, customs, or agriculture inspection or seized as described in subsection (b) if such
end the following:
United States Code, is amended by adding at
than $5,000.
``555. Evasion of inspection or during viola-
tion of arrival, reporting, entry, or clear-
ance requirements
``(a) PROHIBITION.—A person shall be pun-
ished as described in subsection (b) if such person
immigration, or agriculture inspection or fails to stop at the command of an officer
enforced with enforcing the immigration, customs, or other laws of the United States at a port
``(b) PENALTIES.—A person who commits an
offense described in subsection (a) shall be—
``(2)(A) imprisoned for not more than 10
years, or both;
``(C) imprisoned for any term of years or
life, or both, if death results, and may be
sentenced to imprisonment without
``(3) both fined and imprisoned under this
subsection.
``(c) CONSPIRACY.—If 2 or more persons con-
spire to commit an offense described in subsec-
tion (a), and 1 or more of such persons do
any act to effect the object of the con-
sspiracy, each shall be punishable as a prin-
cipal.
``(d) PRIMA FACIE EVIDENCE.—For the pur-
purpose of seizure and forfeiture under applica-
table law, in the case of use of a vehicle or other conveyance in the commission of this
offense, or in the case of disregarding or dis-
obeying the lawful authority or command of any officer or employee of the United States
under section 111(b) of this title, such con-
duct shall constitute prima facie evidence of smuggling or merchandise.
``(e) CONFORMING AMENDMENT.—The table
of sections for chapter 27 of title 18, United States Code, is amended by inserting at the
end:
``555. Evasion of inspection or during viola-
tion of arrival, reporting, entry, or clearance requirements". 
SEC. 135. WESTERN HEMISPHERE TRAVEL INITIATIVE

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individuals United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINES.—(1) The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1186 note) is amended by striking "January 1, 2008," and inserting "the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (1) of section 133 of the Comprehensive Immigration Reform Act of 2006.

(c) CANCELLATION.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) AUTHORIZATION.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7290 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1186 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed valid for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUE.—To be issued is a United States citizen shall submit an application to the Secretary of State. The Secretary shall require that such application shall contain the same information as is required to deter- 

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to pro- 

(B) LIMITATION ON FEES.—

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State.

(10) ACCESSIBILITY.—In order to make the Passport Card easy to obtain and use, the Secretary of State and the Secretary of Homeland Security shall be authorized to—

(11) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary of Homeland Security may enter into an agreement with the Department of Homeland Security to provide for the enrollment of individuals United States citizens to verify the United States citizenship status of an individual United States citizen who voluntarily seeks to have the applicant’s United States citizenship status included on a driver’s license.

(e) EXPEDITED PROCESSING FOR REPEATED TRAVELERS.—To the maximum extent practicable at the United States border with Canada and the United States border
with Mexico, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers at the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watchlist checks. Such expedited traveler programs shall educate such individuals as to their rights without regard to any other provision of law, the Secretaries of State, and the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 10 years.

"(b) Any person who knows or recklessly disregards the construction or presence of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully cross the land border of the United States shall be subject to a maximum term of imprisonment of twice the maximum term of imprisonment that would have otherwise been applicable to the unlawful activity not made use of such a tunnel or passage.

Title V—Amendments

Subtitle A—Border Security

Section 501. Multiyear Border Security Plan

Section 502. Multiyear Budget for Border Security

Section 503. Improvements to the Western Hemisphere Travel Initiative

Section 504. Improvements to the Electronic Passport Card Program

Section 505. Enhanced Border Security

Section 506. Border Tunnel Prevention

Section 507. Border Law Enforcement Relief

Section 508. Border Control Officer Recruitment and Retention

Section 509. Border Infrastructure

Title VI—Programs to Assist States

Subtitle A—Programs to Assist States in Border Security

Section 601. General Provisions

Section 602. Authorized Uses of Funds

Section 603. Requirements for Use of Funds

Section 604. Eligible Recipients

Section 605. Limitations on Use of Funds

Section 606. Oversight of Program

Section 607. Authorization of Appropriations

Title VII—General Provisions

Subtitle A—General Provisions

Section 701. Definitions

Section 702. Streamlining of Government

Section 703. Repeal of Provisions

Title VIII—National Security

Subtitle A—National Security

Section 801. General Provisions

Section 802. National Security Training

Section 803. National Security Program

Section 804. National Security Oversight

Section 805. National Security Authorization

Section 806. implementation of section 545, controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) shall be subject to a maximum term of imprisonment that would have otherwise been applicable

"(b) Any person who uses a tunnel or passage described in subsection (a) to unlawfully cross the land border of the United States shall be subject to a maximum term of imprisonment of twice the maximum term of imprisonment that would have otherwise been applicable to the unlawful activity not made use of such a tunnel or passage.

"SEC. 556. Border tunnels and passages.

Section 556. Border tunnels and passages

Section 557. Definitions

Section 558. Findings

Section 559. Authorization of Appropriations

Section 5510. Implementation

Title IX—Miscellaneous

Subtitle A—Miscellaneous

Section 901. Conforming Amendments

Section 902. Effective Dates

Section 903. Repeals

Section 904. Savings

Title X—Repeals

Subtitle A—Repeals

Section 1001. Repeals
secure the Nation’s borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1 million people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens residing in the United States has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions nationwide, and there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwestern counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering costs to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 153. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency’s proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving areas—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ½ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ½ shall be set aside for areas designated as a High Impact Area under subsection (d).

(3) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated to the public expenses of that title of the United States Border Patrol.

SEC. 154. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this subtitle shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Subtitle F—Rapid Response Measures

SEC. 161. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency, the United States Secretary of Homeland Security (referred to in this subtitle as “agents”) from the Secretary, the Director, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent illegal entry from a crossborder region into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department’s ability to provide border security for any other State.

(b) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.

(1) SEC. 162. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, equipment, and personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(c) USE AND TRAINING.—The Secretary shall—

(1) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(2) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(d) MOTOR VEHICLES.

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that the types of vehicles are sufficient and of types of other motor vehicles to support the mission of the United States Border Patrol.
(b) Reference.—All motor vehicles purchased for the United States Border Patrol shall—

(a) be appropriate for the mission of the United States Border Patrol; and

(b) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of the vehicle.

SEC. 163. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall ensure that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of the personnel.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each area operated by the United States Border Patrol is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent to work during the hours of darkness to be equipped with a portable night vision device.

SEC. 164. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that each United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced upon evidence of damage or deterioration.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves and others, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents if they become worn, unserviceable, or no longer fit properly.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subtitle.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO PHYSICALLY ABUSED OR VICTIMIZED ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking “or (VI)” and inserting “(V), (VI), (VII), or (VIII)’’.

(b) CANCELLATION OF REMOVAL.—Section 240a(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “admissible under” and inserting “described in”; and

(2) by striking “deportable under” and inserting “described in”.

(c) DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229b(b)(1)(C)) is amended by striking “deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)” and inserting “or (V), (VI), (VII), or (VIII)”.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (ii), by striking “or (VI)” at the end;

(2) in clause (iv) by striking the period at the end and inserting “; or”;

(3) by inserting after clause (iv) the following:

“(V) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(ii)(IV) if the Secretary of Homeland Security determines that there are reasonable grounds for regarding the alien as a danger to the security of the United States);”;

and

(4) in the undesignated paragraph, by striking “for cause (iv),” before clause (V) and inserting “and clause (V)” before clause (V).

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION.—If an alien is released, the alien shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.

(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.

(E) IN GENERAL.—The following procedures shall apply to an alien released under the authority of this Act and remaining in the United States:

(1) the alien is removed. If an alien is released, the alien’s departure, or conspiring or acting for travel or other documents necessary to carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal.”;

(ii) by amending subparagraph (C) to read as follows:

"(C) RECORD OF ADMISSION.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

and

(iii) by adding at the end the following:

“D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.”;

(f) EFFECTIVE DATE AND APPLICATION.—The following provisions of the Act apply to an alien released under the authority of this Act:

(1) the alien is removed. If an alien is released, the alien’s departure, or conspiring or acting for travel or other documents necessary to carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal.”;

(ii) by amending subparagraph (C) to read as follows:

"(C) RECORD OF ADMISSION.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

and

(iii) by adding at the end the following:

“D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.”;

(g) IN GENERAL.—The following procedures shall apply to an alien released under the authority of this Act and remaining in the United States:

(1) the alien is removed. If an alien is released, the alien’s departure, or conspiring or acting for travel or other documents necessary to carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal.”;

(ii) by amending subparagraph (C) to read as follows:

"(C) RECORD OF ADMISSION.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

and

(iii) by adding at the end the following:

“D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.”

The preceding provisions shall apply to an alien released under the authority of this Act.”

Title VII—Additional Rules for Aliens Ordered Removed.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(A) AMENDMENTS.—Section 237(a) (8 U.S.C. 1225a) is amended—

(i) by striking “Attorney General” in the first place it appears and inserting “Secretary of Homeland Security”;

(ii) by striking “Attorney General” in the first place it appears and inserting “Secretary of Homeland Security”;

(B) by striking “Attorney General” in any other place it appears and inserting “Secretary of Homeland Security”;

(C) in paragraph (1)—

(i) in subparagraph (A), by amending clause (ii) to read as follows:

“(ii) if a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.”;

(ii) by striking “(iv)” and inserting “(v)”;

(iii) in subparagraph (B), by amending clause (ii) to read as follows:

“(ii) the alien is returned to the custody of the Secretary.”;

(iv) in subparagraph (C), by amending clause (ii) to read as follows:

“(ii) the alien is returned to the custody of the Secretary.”;

(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(ii)(IV) if the Secretary of Homeland Security determines that there are reasonable grounds for regarding the alien as a danger to the security of the United States);”;

and

(vi) by amending subparagraph (B) to read as follows:

“(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of the vehicle.”;

and

(vii) by amending subparagraph (C) to read as follows:

“(C) hand-held global positioning system device for navigational purposes.”;

and

(viii) in subparagraph (D), by amending clause (vi) to read as follows:

“(vi) a night vision device.”;

(b) CANCELLATION OF REMOVAL.—Section 249B(b)(3)(B) (8 U.S.C. 1259B(b)(3)(B)) is amended—

(1) by striking “admissible under” and inserting “described in”; and

(2) by striking “deportable under” and inserting “described in”.
(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

(i) has effected an entry into the United States;

(ii) has made all reasonable efforts to comply with the alien’s removal order;

(iii) has cooperated fully with the Secretary’s efforts to establish the alien’s identity and to provide the removal order, including making timely application in good faith for travel or other documents necessary for the alien’s departure; and

(iv) has not conspired or acted to prevent removal.

(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

(i) shall consider any evidence submitted by the alien;

(ii) may consider any other evidence, including—

(I) any information or assistance provided by the Department of State or other Federal agency; and

(II) any other information available to the Secretary pertaining to the ability to remove the alien.

(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period including any extension of the removal period under paragraph (1)(C).

(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

(ii) certifies in writing—

(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

(IV) that—

(aa) the release of the alien would threaten the safety of the community or any person; and

(bb) conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

(II) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(41)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

(BB) has committed a crime of violence (as defined in section 1150(a)(41) of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with such mental condition or personality disorder, is likely to engage in acts of violence in the future; or

(V) that—

(a) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

(b) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(41)(A)), or has been sentenced to an aggregate term of imprisonment of not less than 1 year.

(F) ADMINISTRATIVE REVIEW PROCESS. The Secretary may, in the exercise of the Secretary’s discretion and without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has determined that an alien’s removal proceedings have not occurred in accordance with this Act; and

(G) RENEWAL AND DELEGATION OF CERTIFICATION. (i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien pursuant to subparagraph (H).

(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may extend any certification described in clause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

(iii) HEARING.—The Secretary may request the Attorney General, or a designate of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

(iv) RELATIONSHIP TO JUDICIAL REVIEW.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary’s discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

(D) REDDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain an alien until the Secretary determines that an alien—

(i) has failed to comply with the conditions of release established in section 241.4 of title 8, Code of Federal Regulations, or

(ii) fails to continue to satisfy the conditions described in subparagraph (B); or

(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

(J) APPLICATION.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day the redetention began.

(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary’s efforts, if the alien—

(i) has effected an entry into the United States; and

(ii) the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

(aa) failed or refused to make all reasonable efforts to comply with a removal order; or

(bb) failed or refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and to carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien’s departure; or

(bb) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1255, or 1236 of this title, chapter 75 or 77 of this title, or section 234, 247, 275, 276, 277, or 276 of the Immigration and Nationality Act (8 U.S.C. 1255, 1324, 1325, 1326, 2227, and 1322); and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking “and” and adding at the end the following:

“the person’s immigration status; and”.

SEC. 203. AGGRAVATED FELONY. (a) DEFINITION OF AGGRAVATED FELONY.— Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “The term ‘aggravated felony’ means—” and inserting “Notwithstanding any other provision of law (except for the provisions providing an effective date for section 203 of the Comprehensive Immigration Reform Act of 2006), the term ‘aggravated felony’ applies to any offense described in paragraphs (B), (D), and (F) of section 202 of the Immigration and Nationality Act (8 U.S.C. 1227), or to any offense defined in violation of Federal or State law and to such an offense in violation of the law of a foreign country,”.

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for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of the conviction or evidentiary record of conviction was entered before, on, or after September 30, 1996, and means—:

(1) in subparagraph (A), by striking “murder, rape, or sexual abuse of a minor, or either of a sexual nature”; inserting “mender, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;”;

(3) in subparagraph (N), by striking “paragraph (A)” and inserting “the paragraph;”;

(4) in subparagraph (O), by striking “section 275(a) or 276” and inserting “an alien who was previously deported on the basis of a conviction described in section 318(a)(1)(B) or the other subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;

(b) providing that the Commercial Presence of a Non-United States Person.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(A) by changing “commercial presence” to “commercial presence, or such commercial activity is affiliated with a criminal gang, as determined by the Secretary”;

(B) by striking “whether the alien is a member of a criminal gang” and inserting “whether the alien has participated in the activities of a criminal gang”;

(C) by striking “or” and inserting “whether the alien has participated in the activities of a criminal gang”;

(D) by striking “the alien is a member of a criminal gang” and inserting “the alien has participated in the activities of a criminal gang”;

(E) by striking “knowing or having reason to know” and inserting “knowing or having reason to believe”;

(F) by striking “involvement” and inserting “participation”;

(b) Effective Date and Application.—

The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any action that occurred on or after the date of the enactment of this Act.

(c) Effective Date and Application.—

(1) Title I.—The amendments made by section 310(c) (8 U.S.C. 1212(c)) is amended—

(A) by inserting “not later than 120 days after the Secretary of Homeland Security’s final determination,” after “may”; and

(B) by adding at the end the following:

‘‘(c) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is inadmissible.’’.

(2) Deportability.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

‘‘(D) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.’’.

(3) Temporary Protected Status.—

Section 244 (8 U.S.C. 1254a) is amended—

(1) Temporary Protected Status.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

‘‘(J) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.’’.

(2) Removal.—Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended in the first sentence—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (J), (K), and (L) respectively;

(B) by redesignating section 244 (8 U.S.C. 1254a) as section 244A (8 U.S.C. 1254aA); and

(C) by adding at the end the following:

‘‘(K) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.’’.

(d) Concurrent Naturalization and Removal Proceedings.—

Section 318 (8 U.S.C. 1432) is amended by adding “the Attorney General” after “Secretary” to mean “the Attorney General”;

(e) Persons Endangering National Security.—

Section 316 (8 U.S.C. 1242) is amended by adding at the end the following:

‘‘(f) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.’’.

(e) Members of Criminal Street Gangs.—

Section 244A (8 U.S.C. 1254aA) is amended by adding after the end the following:

‘‘(K) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who was a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

‘‘(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

‘‘(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang, is deportable.’’.

(f) Concurrent Naturalization and Removal Proceedings.—

Section 318 (8 U.S.C. 1432) is amended by adding “the Attorney General” after “Secretary” to mean “the Attorney General”;

(g) District Court Jurisdiction.—

Section 338(b) (8 U.S.C. 1447(b)) is amended to read as follows:

‘‘(b) Request for Hearing Before District Court.—If there is a failure to render a final administrative decision under section 235 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for determination on the application.’’.

315. Effectiveness Date.—The amendments made by this section—

(A) take effect on the date of the enactment of this Act; and

(B) shall apply to any act that occurred on or after such date of enactment.
street gang (as defined in section 521(a) of title 18, United States Code);`
and
(D) in subsection (d)—
(i) by striking paragraph (3); and
(ii) by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".
(b) Penalties Related to Removal.—Section 243 (8 U.S.C. 1253) is amended—
(i) in subsection (b), by inserting "a member of any of the classes described in paragraph (2), if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;"
(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;
(P) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F), shall be fined under title 18, United States Code.
(ii) by striking "or imprisoned for not more than 10 years if the alien is one year, or both" and inserting "under title 18, United States Code, and imprisoned for not more than 6 months or more than 5 years"; and

(3) amending subsection (d) to read as follows—
(d) Denying Visas to Nationals of Country Denying or Delaying Accepting Aliens.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the government of a foreign country to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.

(c) Alien Smuggling and Related Offenses.—
(1) in General.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.
(a) Criminal Offenses and Penalties.—
(1) Prohibited activities.—Except as provided in paragraph (2), a person shall be punished as provided under paragraph (2), if the person—
(A) facilitates, encourages, directs, or induces an alien who lacks lawful authority to enter or to continue to enter, or the border to the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or to continue to enter, or cross the border to the United States;
(B) facilitates, encourages, directs, or induces an alien who lacks lawful authority to enter or to continue to enter, or cross the border to the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;
(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States importing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority; and

(2) criminal penalties.—A person who violates any provision under paragraph (1)—
(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;
(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both;
(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

(3) Limitation.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—
(A) for a religious denomination having a body or nonprofit, noncommercial organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is uncompensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or
(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

(4) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

(b) Employment of Unauthorized Aliens.—
(1) criminal offense and penalties.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(2) extraterritorial jurisdiction.—There is extraterritorial Federal jurisdiction over the offenses described in this paragraph is an alien who—
(A) is an unauthorized alien (as defined in section 274A(i));

(c) seizure and forfeiture.—
(1) in general.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(2) applicable procedures.—Seizure and forfeiture procedures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relative to civil forfeitures, except that such duties as are performed under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

(3) prima facie evidence in determinations of violations.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—
(A) any order, finding, or determination concerning the alien’s status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge), or immigration officers, judges, or any judicial or administrative proceeding authorized under Federal immigration law;
(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien’s status or lack of status; and
"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person in the United States, acting under authority to make any arrests for a violation of any provision of this section except:"

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of criminal laws;

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the video-taped audiovisual preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if:

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony;

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall:

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section;

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(h) SEC. 275. ILLEGAL REENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENDERS.—Any alien who is subject to the penalties set forth in paragraph (2) if the alien:

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including falling to comply with the commands of such officer), or a customs or agriculture inspection at a port of entry;

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, re-entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, enter, or attempt to enter, the United States, shall be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors, or 2 felonies, or a felony of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of 3 or more misdemeanors, or 2 felonies, or a felony for which the alien received a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 15 years, or both;

"(F) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 20 years, or both;

"(G) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 25 years, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(H) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 years, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(I) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 40 years, the alien shall be fined under such title, imprisoned not more than 25 years, or both;

"(J) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 50 years, the alien shall be fined under such title, imprisoned not more than 30 years, or both;

"(K) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 years, or both.

"(2) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

"(a) IMPROPER TIME OR PLACE.—If the alien was convicted, before such removal or departure, of a violation of paragraph (1) or (2) of subsection (b), the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(b) CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection:

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, or both.

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(4) was convicted for a felony before such removal or departure, or for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 115B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(b) REENTRY AFTER REMOVED ALIEN.

"(1) SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1325) is amended to read as follows:

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal was outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, whether or not under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) REENTRY OF CRIMINAL OFFENDERS.—

Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection:

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, or both.

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 115B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(b) REENTRY OF REMOVED ALIEN.

Any alien who, after being deported or removed from the United States, returns to the United States, named in this section, shall be fined under title 8, United States Code, imprisoned not more than 10 years, or both.

"(b) REENTRY OF REMOVED ALIEN.

Any alien who, after being deported or removed from the United States, returns to the United States, named in this section, shall be fined under title 8, United States Code, imprisoned not more than 10 years, or both.

"(b) REENTRY OF CRIMINAL OFFENDERS.—

Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection:

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both.
title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISAS, AND IMMIGRATION

Sec. 1541. Trafficking in passports

1542. False statement in an application for a passport

1543. Forgery and unlawful production of a passport

1544. Misuse of a passport

1545. Schemes to defraud aliens

1546. Immigration and visa fraud

* § 1541. Trafficking in passports

(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

(1) and without lawful authority produces, issues, or transfers 10 or more passports; and

(2) forgery, counterfeits, alters, or falsely makes 10 or more passports; and

(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States, shall be fined under this title, imprisoned not more than 15 years, or both.

* § 1542. False statement in an application for a passport

Any person who knowingly—

(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation) knowing the application contains any false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possess, uses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

* § 1542d. False statement in an application for a passport

Any person who knowingly—

(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation) knowing the application contains any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

* § 1546. Immigration and visa fraud

(a) IN GENERAL.—Any person who—

(1) knowingly forgers, counterfeits, alters, or falsely makes any passport; or

(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

(2) produces, issues, authorizes, or verifies a passport issued under the authority of the United States, or

(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed, shall be fined under this title, imprisoned not more than 15 years, or both.

(c) OF A PASSPORT.—Any person who—

(1) knowingly uses any passport issued or designed for the use of another;

(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States, shall be fined under this title, imprisoned not more than 15 years, or both.

* § 1545. Schemes to defraud aliens

(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized or arising under Federal immigration laws, or enters into any scheme or artifice, in connection with any matter that is authorized or arising under Federal immigration laws, and issued under the authority of the United States, or

(1) to defraud the United States, a State, or a political subdivision of a State, shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1546. Immigration and visa fraud

(a) IN GENERAL.—Any person who—

(1) defrauds any person, or

(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value, shall be fined under this title, imprisoned not more than 15 years, or both.
§ 1547. Marriage fraud

(a) Evasion or misrepresentation.—Any person who—

(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

(2) knowingly misrepresents the existence or circumstances of a marriage—

(A) in an application or document authorized by the immigration laws; or

(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals), shall be fined under this title, imprisoned not more than 10 years, or both.

(b) Multiple marriages.—Any person who—

(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law, shall be fined under this title, imprisoned not more than 10 years, or both.

(c) Commercial enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

§ 1548. Attempts and conspiracies

Any person who attempts or conspires to violate any section of this chapter shall be punished as provided in the section to which such a person who completed a violation of that section.

§ 1549. Alternative penalties for certain offenses

(a) Terrorism.—Any person who violates any section of this chapter—

(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

(2) with the intent to facilitate an act of international terrorism or domestic terrorism, shall be fined under this title, imprisoned not more than 20 years, or both.

(b) Offense against government.—Any person who violates any section of this chapter—

(1) knowing that such offense will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not more than 20 years, or both.

§ 1550. Seizure and forfeiture

(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(b) Applicable law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to forfeitures for the benefit of the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year under the laws of the United States, and any property traceable to such property or proceeds, shall be subject to forfeiture.

§ 1551. Additional jurisdiction

(a) in General.—Any person who commits an offense under this chapter outside the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

(b) Extraordinary jurisdiction.—Any person who commits an offense under this chapter shall be punished as provided under this chapter if—

(1) the offense is committed in a United States immigration document or any document purporting to be such a document; or any matter, right, or benefit arising under or authorized by the immigration laws of the United States; and

(2) the offense is in or affects foreign commerce.

(3) the offense affects, jeopardizes, or poses a significant threat to the lawful administra tion of Federal immigration laws, or the national security of the United States,

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 928(a)(2)) that affects the national security of the United States;

(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 101(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

(6) the offender is a stateless person whose habitual residence is in the United States.

§ 1552. Additional venue

(a) in General.—An offense under section 1542 may be prosecuted in—

(1) any district in which the false statement or representation was made;

(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; and

(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

§ 1553. Definitions

As used in this chapter:

The term ‘false statement’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

(A) contains a statement or representation that is false, fictitious, or fraudulent;

(B) has no basis in fact or law; or

(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

The term a ‘false statement or representation’ includes a personation or an omission.

The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

The term ‘immigration document’—

(A) means—

(i) any passport or visa; or

(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

The term ‘immigration laws’ includes—

(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

(B) the laws relating to the issuance and use of passports; and

(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

The term ‘person does not exercise lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a
foreign government, or an international organization; or any instrument purporting to be the same.

(9) The term `produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

(10) The term `State' means a State of the United States, the District of Columbia, or any other territory or possession of the United States.

§1554. Authorized law enforcement activities

Nothing in this chapter shall prohibit any law enforcement, investigative, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or any activity authorized under title V of the Organized Crime Control Act of 1970 (44 Stat. 933).

§1555. Exception for refugees, asylees, and other vulnerable persons

(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for admission under section 203 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), for relief from removal proceedings under section 237(a)(1) of such Act, or any activity authorized under title V of the Organized Crime Control Act of 1970 (44 Stat. 933).

(b) Protection for legitimate refugees and asylum seekers.—Section 209 (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subsection (A), by striking `or', and inserting `and,' at the end and inserting a semicolon;

(2) in subsection (B), by striking the comma at the end and inserting `or'; and

(3) by inserting after subclause (B)(ii) the following:

``(III) a violation of or (a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code, or a violation of an intelligence activity of a law enforcement agency of the United States.''

(c) Effective date.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) Institutional removal program.—(1) Continuation.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) and shall develop and implement another program.

(2) Identification.—(A) Identify removable criminal aliens in Federal and State correctional facilities; (B) ensure that such aliens are not released into the community; and (C) remove such aliens from the United States after the completion of their sentences.

(b) Expansion.—The Secretary may extend the scope of the Program to all States.

(c) Authorization for detention after completion of State or local prison sentence.—(1) In general.—The Secretary may post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

(2) Authorization.—(A) Identify removable criminal aliens in Federal and State correctional facilities; (B) ensure that such aliens are not released into the community; and (C) remove such aliens from the United States after the completion of their sentences.

(d) Report to Congress.—Not later than 6 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the implementation of the Program and any other program authorized under subsection (a).

(e) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In General.—Section 245(b)(1) (8 U.S.C. 1225b(c)) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

``(I) a violation of or (a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code, or (II) a violation of an intelligence activity of a law enforcement agency of the United States.''

(2) by redesigning paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(b) Authorization for denial of entry or arrival to voluntary departures.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subchapter instead of being subject to proceedings under section 237(a).

(c) Conditions on voluntary departure.—(1) Voluntary departure agreement.—Voluntary departure may only be granted as provided in subsection (a) if the alien has presented compelling evidence that the alien will depart the United States, and the Secretary has determined that the alien will depart the United States during the period exceeding 60 days

(2) Exceptions.—(A) By amending paragraph (1) to read as follows:

``(A) A voluntary departure agreement may only be granted as provided in subsection (a) if the alien will depart the United States during the period exceeding 60 days'' and inserting ''any period in excess of 45 days''

(b) Voluntary departure.—(A) By amending paragraph (c) to read as follows:

``(c) Conditions on voluntary departure.—''

(1) Voluntary departure agreement.—Voluntary departure may only be granted as provided in subsection (a) if the alien has presented compelling evidence that the alien will depart the United States during the period exceeding 60 days

(2) Exceptions.—(A) By amending paragraph (1) to read as follows:

``(A) A voluntary departure agreement may only be granted as provided in subsection (a) if the alien will depart the United States during the period exceeding 60 days'' and inserting ''any period in excess of 45 days''

(3) By adding by adding paragraph (a) the following:

``(B) by redesigning paragraph (3) as paragraph (4):''

(4) By redesigning paragraph (4) as paragraph (3)
the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) ADVISATIONS BY THE SECRETARY.—In connection with the alien’s agreement to depart voluntarily under paragraph (1), the Secretary shall inform the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntarily depart under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under section 240B or 241(a)(2)(B) of the Immigration and Nationality Act.

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge’s decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien’s voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary’s discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review which the alien made prior to the date the Secretary informs the alien of the consequences of a voluntary departure agreement will affect the terms of a voluntary departure agreement or the alien’s voluntary departure.

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge’s decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien’s voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(6) REOPENING.—The alien shall be ineligible to reopen the final order of removal that led to the alien’s failure to depart, or upon the alien’s other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph shall not apply to a motion to reopen to seek withholding of removal under section 240(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the alien’s removal; or

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.

"(7) ENSURING RECURSIVENESS.—(A) The Attorney General may promulgate regulations to provide for the imposition and collection of penalties for failure to depart voluntarily under this section and fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under section 240B or 241(a)(2)(B) of the Immigration and Nationality Act.

"(8) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to removal orders entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) in subparagraph (B), by striking "y(y)2)" and all that follows and inserting "y(y) is a nonimmigrant classification; or"; and

(C) by adding at the end the following: "Any individual who has been admitted to the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5); or

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) in subparagraph (B), by striking "y(y)2)" and all that follows and inserting "y(y) is a nonimmigrant classification; or"; and

(C) by adding at the end the following: "Any individual who has been admitted to the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5); or

(3) in subsection (y)—

(A) in the heading, by striking "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION"; and

(B) in paragraph (1), by amending subparagraph (B) to read as follows: "(B) the term ‘nonimmigrant classification’ includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act);"; and

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa;" and inserting "is a nonimmigrant classification; and"

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any
alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (c)(5)(B).

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses.

"(a) Any person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 241, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses."

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) and section 241(h)(3) (8 U.S.C. 1255(h)(3)), and title II of the Personal Identity Threat Assessment and Naturalization Improvement Act of 2004 (8 U.S.C. 1357 et seq.) are amended to read as follows:

(1) A description of the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigration Services.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—The Director of the Federal Bureau of Investigations $3,125,000 for each of fiscal years 2007 through 2011 to carry out this section.

(b) USE OF FUNDS.—Grants awarded under this section shall be used for—

(1) the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census; and

(2) by adding at the end the following:

(1) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status, relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

(1) grant or order the grant of adjustment of status of an alien lawfully admitted for permanent residence;

(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

(b) CLERICAL AMENDMENT.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

(c) ALTERNATIVE INVESTIGATIVE METHODS.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigations $3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigration Services.

(d) REPORT ON BACKGROUND AND SECURITY CHECKS.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigations shall submit to the Senate and the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigration Services.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(3) the steps the Director of the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

SEC. 362. CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws, by, or on behalf of—

(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (D) of section 212(a)(3) or subparagraph (A)(i), (A)(ii), or (B) of section 221(a)(4); or

(2) any alien who, with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status sought; or

(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in paragraph (2) of subsection (a)) any such application or benefit on such basis.

(c) In General.—The table of contents of this Act is amended by striking the item related to section 361 the following:

"Sec. 361. Construction."

(d) CLERICAL AMENDMENT.—The table of contents for this Act is amended by striking the item related to section 361 the following:

"Sec. 361. Construction."
through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizee;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 201(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended—

(1) by striking “(i) which other is falsely making, forging, counterfeiting, mutilating, or altering an instrument or any instrument or other instrument containing the likeness of such alien under section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)” which is described in chapter 75 of title 18, United States Code, and;

(2) by inserting the following: “that is not described in section 1543 of such title (relating to increased penalties), and” after “first offense”.

SEC. 223. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 262 (8 U.S.C. 1305) is amended—

(1) in subsection (a),—

(A) by striking “notify the Attorney General in writing” and inserting “submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary.”;

(B) by striking “the Attorney General may require by regulation” and inserting “the Secretary may require”; and

(C) by striking “or personal appearance” and inserting “Secretary of Homeland Security”;

(2) in subsection (b), by striking “the Attorney General” and inserting “Secretary of Homeland Security”;

(3) in subsection (c), by striking “given to such parent” and inserting “given by such parent”;

(4) by adding at the end the following:—

“(d) ADDRESS TO BE PROVIDED.—

“(1) IN GENERAL.—Except as otherwise provided under paragraph (2), an address provided by an alien under this section shall be the alien’s current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

“(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

“(A) designated classes of aliens and special circumstances, including aliens who are employed in an occupation, and;

“(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

“(3) An alien who is being detained by the Secretary under this Act is not required to report the alien’s current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien’s address under this section at the time of the alien’s release from detention.

“(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section and other information relating to the alien’s address under other Federal programs, including—

“(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

“(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

“(C) any information collected with respect to nonimmigrants foreign students exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1722); and

“(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

“(2) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to forward to the Secretary, if so requested by the Attorney General, any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary of Homeland Security may request the most recent address provided by the alien under section 239(a)(1) or (2) to contact the alien about pending removal proceedings.

“(3) OBLIGATION.—The alien’s provision of an address for any other purpose under the Federal immigration laws does not excuse the alien’s obligation to submit timely notice of the alien’s address to the Secretary under this section (or to the Attorney General under section 239(a)(1) or (2)) with respect to an immigration judge or an administrative appeal of such proceeding.

“(b) F A I L U R E TO PROVIDE NOTICE OF CURRENT ADDRESS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary or Attorney General may, as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien—

“(A) by adding at the end the following: “that is not described in section 1543 of such title (relating to increased penalties), and” after “first offense”.

“(2) BY ADDING AT THE END THE FOLLOWING:—

“(D) OBLIGATION.—The alien’s provision of an address for any other purpose under the Federal immigration laws does not excuse the alien’s obligation to submit timely notice of the alien’s address to the Secretary under this section (or to the Attorney General under section 239(a)(1) or (2)) with respect to an immigration judge or an administrative appeal of such proceeding.

“(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION—(1) Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

“(1) in section 262(c), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

“(2) in section 263(a), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

“(3) in section 264—

“(A) in subsections (a), (b), (c), and (d), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

“(B) by striking “the Attorney General” and inserting “Secretary of Homeland Security”;

“(C) by inserting the following:—

“(1) failure to provide notice of alien’s current address;

“(D) by inserting the following:—

“(1) IN GENERAL.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien’s current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than six months, or both.

“(2) EFFECT ON IMMIGRATION STATUS.—An alien who violates section 265 (regardless of whether the alien is punished under paragraph (1) or (2)) shall be inadmissible to the United States, and the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with the removal of both the alien who has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien’s current address required under section 265, may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien’s failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien’s failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.

“(2) in subsection (c), by inserting “or a notice of current address” before “containing statements”;

“(3) in subsections (c) and (d), by striking “Attorney General” each place it appears and inserting “Secretary”.

“(d) EFFECTIVE DATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

“(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 1357(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following:—

“that such training is provided by a State or political subdivision of a State to a law enforcement officer or employee which State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.”;

(2) in paragraph (4), by adding at the end the following:—

“The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.”;

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting “including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law,” after “offense”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered on or after such date.
SEC. 226. MEDICAL SERVICES IN UNSERVED AREAS.
Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1192 note) is amended by striking “and before June 1, 2006.”

SEC. 227. EXPEDITED REMOVAL.
(a) General.—Section 238 (8 U.S.C. 1228) is amended—
(1) by striking the section heading and inserting “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.”;
(2) in subsection (b), by striking the section heading and inserting: “EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—”;
(3) in subsection (b), by striking “who is apprehended within 100 miles of an entry into the United States, and”;
(4) by striking or paroled into the United States, and
(5) by striking the following:
“(I) of this subparagraph to any alien (other than an alien described in subparagraph (A)(i), (II), and (III)), the Secretary of Homeland Security, in the Secretary’s sole and unrestrained discretion, determines that the alien poses a danger to national security or public safety, or that the alien’s continued presence in the United States is inconsistent with the public interest.”;
(b) exceptions.—Section 204(a)(1) shall not apply in the case of the alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

SEC. 228. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO TRANSFER ALIEN TO FEDERAL CUSTODY.
(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. sequ.) is amended by adding after section 240C the following new section:

“Section 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO TRANSFER ALIENS TO FEDERAL CUSTODY.

(a) Authority.—Notwithstanding any other provision of law, law enforcement personnel of a State (or, if appropriate, a political subdivision of a State), have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

(b) construction.—Nothing in this section shall be construed to require law enforcement personnel of a State (or, if appropriate, a political subdivision of the State) to transfer custody of aliens to the Department of Homeland Security.

(c) AUTHORITY FOR CONTRACTS.—The Secretary of Homeland Security may, in the case of an alien described in subparagraph (A)(ii), (C), or (D) of section 235(a)(2), determine the description in a subsection or section 240.

SEC. 233. EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 234. ALIEN DEPORTATION AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 235. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 236. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 237. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 238. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 239. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 240. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 241. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.

SEC. 242. EXPEDITED REMOVAL AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.
(a) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the description in a subsection or section 240.
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(b) Authorization of Appropriations for the Detention and Transportation to Federal Custody of Aliens Not Lawfully Present.—There are authorized to be appropriated $150,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 232. Co-operative Enforcement Programs.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish and maintain a national database of criminal and immigration records of each individual who has been detained or convicted for a violation of the immigration laws of the United States under the Immigration and Nationality Act (8 U.S.C. 1227). The Secretary shall ensure that the database contains such records as the Secretary determines to be necessary for the purpose of the database.

SEC. 233. Increase of Federal Detention Spaces.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 234. Determination of Immigration Status of Individuals Charged with Federal Offenses.

(a) Responsibility of United States Attorneys.—Beginning not later than 2 years after the date of the enactment of this Act, the United States attorney for each judicial district in which there is a criminal prosecution, and the United States attorney for any district in which an alien is appearing in any court of the United States, shall, upon the filing of the initial pleading in such case, determine the immigration status of such alien.


(a) In General.—Notwithstanding any other provision of law, the immigration status of an alien who is a defendant in any Federal, State, or local court shall be determined, in the case of a defendant who is an alien, not later than 30 days after the filing of the initial pleading in such case.

(b) Certification of Immigration Status.—On the earliest possible opportunity following the entry of a final order of removal, the immigration status of each individual shall be certified by the judge to the Secretary of Homeland Security.
each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

SEC. 235. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that it provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) freezing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such alien for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such alien to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

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(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.

(1) IN GENERAL.—It is unlawful for an employer—
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(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment;

(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless, such employer meets the requirements of subsections (c) and (d).

(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

(3) USE OF LABOR THROUGH CONTRACT.—
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(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—
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(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d), shall be considered to have hired the alien in violation of paragraph (1)(B).

(4) INFORMATION SHARING.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such employer under provisions of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

(5) RECORDKEEPING REQUIREMENTS.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

(6) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person, or any individual acting in concert with such person, fails to comply with the requirements of subsections (c) and (d).
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(4) DEFENSE.—
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(A) IN GENERAL.—Subject to subparagraph (B), an alien is not liable for any violation under this subsection if the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has acted in good faith in complying with respect to such hiring, recruiting, or referral.

(B) EXCEPTION.—Until the date that an employer has participated in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).
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(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—
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(I) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that he is in compliance with this section, or that has instituted a program to come into compliance.

(II) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1)(A) the employer shall certify under penalty of perjury that—
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(A) the employer is in compliance with the requirements of subsections (c) and (d);

(B) that the employer has instituted a program to come into compliance with such requirements.

(6) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

(7) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to certification under this subsection and procedures for the audit of any records related to such certification.

(8) DOCUMENT VERIFICATION REQUIREMENTS.—
```

(A) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to obtain an unseamly benefit, the Secretary shall publish notice of any findings under clause (i) in the Federal Register.

(B) REQUIREMENTS. —
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(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility of an individual by examining a document described in subparagraph (B).

(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to establish the identity of the individual, the employer shall consider such document as genuine. If the individual fails to provide a document sufficient to establish the identity of the individual, the employer shall not depend on any other document or as requiring the individual to produce any other document.

(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—
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(i) a United States passport or passport card issued by the Secretary of State; or

(ii) a document issued by the Department of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302); or

(iii) such other document that is admissible to establish the identity of the individual who is a national of the United States—
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(C) AUTHORITY TO REQUIRE USE OF CERTAIN DOCUMENTS.—
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(I) IN GENERAL.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to obtain an unseamly benefit, the Secretary shall require, or impose conditions, on the use of such document or class of documents for purposes of this section.

(D) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

(E) ATTESTATION OF EMPLOYER.—
```

(I) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility of an individual by examining a document described in subparagraph (B).

(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to establish the identity of the individual, the employer shall consider such document as genuine. If the individual fails to provide a document sufficient to establish the identity of the individual, the employer shall not depend on any other document or as requiring the individual to produce any other document.

(F) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.
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(G) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche,
microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, the ICE, and any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices, and the Comptroller General of the United States, during a period of 5 years after the date of the hiring or referring for a fee, of the individual and ending—

(A) in the case of the recruiting or referring for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referring for a fee; or

(B) in the case of the hiring of an individual the later of—

(i) 5 years after the date of such hiring;

(ii) 1 year after the date the individual's employment is terminated; or

(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

(4) Document retention and recordkeeping requirements.

(A) Retention documents.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

(i) in general.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfilm, microfiche, or electronic copies of such documents. Such copies shall be designated as copied documents.

(ii) Other documents.—The employer shall copy each of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

(B) Use of retained documents.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

(5) Penalties.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

(6) Request of national identification cards.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

D. Employment Verification System.

(1) Requirement for system.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) to determine whether—

(A) any information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

(B) such individual is eligible for employment in the United States.

(2) Requirement for participation.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that was not less than 90 days before the date on which the Secretary implements such a system, and made available to implement this subsection.

(3) Other participation in system.—Notwithstanding paragraph (2), the Secretary has the authority—

(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Comprehensive Immigration Reform Act of 2006.

(i) if the Secretary designates such employer or class of employers as a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

(ii) the Secretary designates such employer or class of employers as an employer that is required to participate in the System under subsection (c)(3)(B).

(4) Requirement to notify.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

(5) Registration of employers.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary. The employer is required or permitted to submit information with respect to an employee under this subsection.

(6) Additional guidance.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulations or guidance from the Secretary and the procedures to facilitate compliance with—

(A) the attestation requirement in subsection (c); and

(B) the employment eligibility verification requirements in this subsection.

(7) Consequence of failure to participate.—If the Secretary finds that an employer has failed to participate in the System and fails to comply with the requirements of the System with respect to an employee, the Secretary shall take such action as the Secretary deems appropriate to enforce compliance with such requirements, and—

(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

(8) Design and operation of system.—

(A) in general.—The Secretary shall, through the System—

(i) respond to each inquiry made by a registered employer regarding an individual's identity and eligibility for employment in the United States; and

(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

(B) Information required.—(i) An employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, providing the appropriate codes on such tentative nonconfirmation notice.

(ii) Confirmation or nonconfirmation.—(i) Confirmation upon initial inquiry.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such confirmation notice.

(ii) Tentative nonconfirmation.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(iii) Initial response.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

(A) if the employer requests, upon request, information from the employee on the System to seek confirmation of the individual's identity and eligibility for employment in the United States; and

(B) in the case of the hiring of an individual is consistent with the information provided in response to such inquiry.

(iv) Information required.—(i) An employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, the State in which such individual was born; and

(ii) the individual's social security account number.

(iii) the employment identification number of the individual's employer during any of the 5 most recently completed calendar years shall be subject to the penalties described in paragraph (e)(4)(B).

(iv) in the case of an individual who does not attest that the individual is a national of the United States or a United States national, the appropriate code provided in such notice.

(v) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(vi) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(vii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(viii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(ix) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(x) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xi) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xiii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xiv) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xv) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xvi) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xvii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xviii) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xix) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(xx) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), the appropriate code provided in such notice.

(3) Procedure for requirement to verify.—Notwithstanding any other provision of law, the Secretary may require an employer to verify the identity and eligibility for employment in the United States of any individual for whom the Secretary designates such employer or class of employers as a critical employer designated by the Secretary under paragraph (3)(B).
such notice becomes final under clause (ii), or the earlier of—
   (i) a final confirmation notice or final nonconfirmation notice is issued through the System
   (II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).
   (vii) AUTOMATIC FINAL NOTICE.—
   (I) if a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, an appropriate code indicating a final notice.
   (II) PERIOD PRIOR TO INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.
   (iii) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.
   (iv) ADDITIONAL AUTHORITY.—Notwithstanding paragraph (iii), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual’s eligibility for employment in the United States and record the results of such determination in the System within 12 months.
   (viii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—
   (I) during any continuous period of employment by an individual by the employer, unless the Secretary determines the final confirmation was the result of identity fraud;
   (II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.
   (ix) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (ii) or a final nonconfirmation notice is issued under such sentence. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation notice.
   (x) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.
   (xi) CONSEQUENCES OF NONCONFIRMATION.—
   (I) if the employer receives a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a report shall be made available to the System for the time periods required under subparagraph (A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).
   (E) RESPONSIBILITIES OF THE SECRETARY.—
   (I) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required under subparagraph (A), information relating to an individual who is eligible for employment in the United States. If the employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided and
   (II) a determination of whether the individual is authorized to be employed in the United States.
   (ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that is not less than $400,000,000 have been approved and made available for the purposes of this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—
   (I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(II), a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States, the administrative review process described in this paragraph or the completion of the administrative review process described in this paragraph and the completion of the administrative review process described in this paragraph and
   (II) if the assessment under subclause (I) is that the System is able to correctly issue, within the period described in subparagraph (D)(II), a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.
   (iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual’s own employment eligibility prior to obtaining or changing employment, to contact the System in a timely manner, to correct or update the information used by the System.
   (iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be provided in a language other than English, as necessary and reasonable, and shall include—
   (I) information about the reason for such notice;
   (II) the right to contest such notice;
   (III) contact information for the appropriate agency and instructions for initiating such contest;
   (IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.
   (v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer’s participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).
   (F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.
   (G) DISQUALIFICATION.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.
   (H) ADMINISTRATIVE REVIEW.—
   (I) IN GENERAL.—Any individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such notice, for an appeal of such determination by a civil action, seek judicial review of such determination by a civil action, pursuant to the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—
   (i) an error or negligence on the part of an employee or official operating or responsible for the System;
   (ii) the decision rules, processes, or procedures utilized by the System; or
   (iii) erroneous system information that was not the result of acts or omissions of the individual.
   (J) COMPENSATION FOR ERROR.—
   (I) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.
    (I) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages not compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the completion of the administrative review process described in this paragraph and
   (ii) LIMITATION ON COMPENSATION.—For purposes of determining an individual’s compensation for the loss of employment, such compensation shall not include any period in which the individual was not eligible for employment in the United States.
   (K) SOURCE OF FUNDS.—Compensation or reimbursement provided under this subparagraph shall not be provided from funds appropriated to the Department of Homeland Security.
   (L) JUDICIAL REVIEW.—
   (A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action, or the Secretary may allow.
   (B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.
   (C) APPEAL.—Upon the Secretary’s answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review process described in paragraph (10), including the evidence upon which the findings and decision complained of are
based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—In cases in which such judicial review results in the final determina-
tion of the Secretary made under paragraph (10), the court shall compensate the indi-
vidual for lost wages.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. If the individual shall be com-
penated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the indi-
vidual is reinstate or obtains employment elsewhere, whichever occurs first.

“(E) LIMITATION ON COLLECTION AND USE OF DATA.—

“(A) LIMITATION ON COLLECTION OF DATA.—

“(i) IN GENERAL.—The System shall collect and maintain the minimum amount of data nec-
essary to facilitate the successful operation of the System, and in no case shall the data be other than—

“(ii) information necessary to identify the individual;

“(iii) information necessary to establish and enforce compliance with paragraphs (5) and (6);

“(iv) information necessary to detect and prevent employment related identity fraud; and

“(v) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

“(B) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly col-
lects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

“(C) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or main-
tained by the System—

“(i) for the purpose of committing identity fraud by any other person in com-
mitting identity fraud, as defined in section 1028 of title 18, United States Code;

“(ii) for the purpose of unlawfully obtain-
ing employment in the United States by unlawfully obtaining employment in the United States for any other person; or

“(iii) for any purpose other than as pro-
vided under any provision of law; shall be guilty of a felony and upon convic-
tion shall be fined under title 18, United States Code, or imprisoned for not more than 5 years.

“(D) EXCEPTIONS.—Nothing in subpara-
graph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Comptroller General of the United States, or the Commissioner of Social Security as pro-
duced by law.

“(E) MODIFICATION AUTHORITY.—The Sec-
retary, after notice is submitted to Com-

ness and provided to the public in the Federal Register, is authorized to modify the re-
quirements of this subsection with respect to any method of storage, method of transmis-
sion, method of transmitting information, and other operational and technical aspects to improve efficiency, accuracy, and se-
curity of the System.

“(F) ANNUAL GAO STUDY AND REPORT.—

“(G) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Con-
gress a report that contains the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

“(1) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

“(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

“(iii) An assessment of the privacy and se-
curity of the System and its effects on citi-
zenship status.

“(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

“(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-re-

education discrimination based on national origin or citizenship status.

“(vi) An assessment of whether the Sec-
retary and the Commissioner of Social Secu-

rity have adequate resources to carry out the duties and responsibilities of this sec-

tion.

“(H) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for investigation of such com-
plaints that the Secretary determines are appropriate to investigate; and

“(C) for the investigation of other viola-
tions of subsection (a) that the Secretary de-

termines is appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investiga-
tions under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to exam-

ine evidence regarding any employer being

investigated; and

“(ii) if designated by the Secretary, may compel by subpoena the attendance of wit-

nesses, the production of evidence at any

designated place in an investigation or case

under this subsection.

“(B) FAILURE TO COOPERATE.—In case of re-

fusal to obey a subpoena, or of the unau-

thorized use of evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(3) PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UN-

AUTHORIZED ALIENS.—Any employer that vio-

lates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than

$500 and not more than $4,000 for each una-

thorized alien with respect to each such vio-

lation.

“(ii) If the employer has previously been fined 1 time during the 12-month period pre-
ceeding the violation under this subparagraph, pay a civil penalty of not less than

$2,000 and not more than $10,000 for each un-

authorized alien with respect to each such vio-

lation.

“(iii) If the employer has previously been fined more than 1 time during the 12-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such violation, pay a civil penalty of not less than

$6,000 and not more than $30,000 for each unauthorized alien with respect to each such vio-

lation.

“(B) RECORDKEEPING OR VERIFICATION PRAC-
TICES.—Any employer that violates or fails to comply with the recordkeeping require-
ments of subsections (a), (c), (d), and (g) shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than

$200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period pre-
ceeding the violation under this subparagraph, pay a civil penalty of not less than

$1,000 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the final date of this subparagraph or has failed to comply with a previously issued and final order related to
such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

(3) Other Penalties.—Notwithstanding subparagraph (B), the court may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans, and any subsequent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

(5) Judicial Review.—An employer adversely affected by a final determination may, within 60 days after the date of the determination, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's final determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through a bond or other guarantee of payment acceptable to the Secretary.

(6) Enforcement of Orders.—If an employer fails to comply with a final determination, enforcement of the provisions of this subsection shall not be subject to the “enforce compliance with the final determination issued against that employer under subsection (e)”, to have violated paragraph (5) or suit brought under paragraph (6) against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(8) Civil Penalty.—Any employer which is determined, after notice and opportunity for the Secretary to be a repeat violator of this section, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement Programs for a period of 5 years. The Attorney General shall advise the Administrator of General Services in consultation with the Secretary that operation of this subsection or may limit the duration or scope of the debarment.

(9) Prohibitions on Award of Government Contracts, Grants, and Agreements.—(i) Employers With No Contracts, Grants, or Agreements.—(A) in General.—An employer who does not hold a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(2) Employers With Contracts, Grants, or Agreements.—(i) Prohibition On Award of Government Contracts, Grants, and Agreements.—(A) in General.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(ii) Notice to Agencies.—Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(iii) Waiver.—After consideration of the views of any affected Federal agency, the Secretary, in cooperation with the Administrator of General Services, may grant a waiver of the prohibition described in this paragraph, in whole or in part, to allow an employer to continue operations subject to the condition that it agree to pay an amount, or otherwise to provide a financial guarantee of indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(9) Prohibitions on Award of Government Contracts, Grants, and Agreements.—(i) Employers With No Contracts, Grants, or Agreements.—(A) in General.—An employer who does not hold a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(2) Employers With Contracts, Grants, or Agreements.—(i) Prohibition On Award of Government Contracts, Grants, and Agreements.—(A) in General.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(ii) Notice to Agencies.—Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(iii) Waiver.—After consideration of the views of any affected Federal agency, the Secretary, in cooperation with the Administrator of General Services, may grant a waiver of the prohibition described in this paragraph, in whole or in part, to allow an employer to continue operations subject to the condition that it agree to pay an amount, or otherwise to provide a financial guarantee of indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(9) Prohibitions on Award of Government Contracts, Grants, and Agreements.—(i) Employers With No Contracts, Grants, or Agreements.—(A) in General.—An employer who does not hold a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(2) Employers With Contracts, Grants, or Agreements.—(i) Prohibition On Award of Government Contracts, Grants, and Agreements.—(A) in General.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(ii) Notice to Agencies.—Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(iii) Waiver.—After consideration of the views of any affected Federal agency, the Secretary, in cooperation with the Administrator of General Services, may grant a waiver of the prohibition described in this paragraph, in whole or in part, to allow an employer to continue operations subject to the condition that it agree to pay an amount, or otherwise to provide a financial guarantee of indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

(9) Prohibitions on Award of Government Contracts, Grants, and Agreements.—(i) Employers With No Contracts, Grants, or Agreements.—(A) in General.—An employer who does not hold a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(2) Employers With Contracts, Grants, or Agreements.—(i) Prohibition On Award of Government Contracts, Grants, and Agreements.—(A) in General.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section, or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(ii) Notice to Agencies.—Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

(iii) Waiver.—After consideration of the views of any affected Federal agency, the Secretary, in cooperation with the Administrator of General Services, may grant a waiver of the prohibition described in this paragraph, in whole or in part, to allow an employer to continue operations subject to the condition that it agree to pay an amount, or otherwise to provide a financial guarantee of indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.
striking "274A(b)" and inserting "274A(c)".

(4) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 6103(p)(4) of such Code is amended by adding at the end the following new subparagraph:

"(F) the Secretary of Homeland Security shall, to the satisfaction of the Secretary of the Treasury, to the satisfaction of the Secretary of Homeland Security, to the satisfaction of the Secretary of Homeland Security, to the satisfaction of the Secretary of Homeland Security.

"(G) The Commissioner of the Social Security Administration shall prescribe a reasonable fee schedule for furnishing taxpayer identification information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

(3) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p)(9) of such Code is amended by adding at the end the following new paragraph:

"(6) Disclosure of taxpayer information to DHS contractors.—Nothing in this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the System.

"(7) The Commissioner of the Social Security Administration shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following in compliance with all such requirements.

"(8) The Commissioner of the Social Security Administration shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under this paragraph (4) to protect the confidentiality of such returns or return information.

(4) EFECTIVE DATES.—
(1) In General.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) Certification.—(A) In General.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) Certification.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

``(w) EMPLOYER COMPLIANCE FUND.—

``(1) In General.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

``(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

``(3) Purpose.—Amounts deposited to the Fund shall be used for the purpose of enhancing and enforcing employer sanctions provisions set forth in section 274A.

``(4) Availability of Funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''

SEC. 303. ADDITIONAL WORKSITE EMPLOYER COMPLIANCE PROTECTION AGENTS.

(a) Increase in Number of Personnel.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) Use of Personnel.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(i)(I) (8 U.S.C. 1182(a)(6)(C)(i)(I)), is amended by striking "citizen" and inserting "national".

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) Prohibition of Discrimination to Verification System.—Section 274A(a)(1) (8 U.S.C. 1324a(a)(1)) is amended by inserting "and the verification system in the United States, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of non-renewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for affordable housing, and an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on access to quality education in public schools, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on home ownership rates, housing prices, and the demand for low-income and subsidized housing, the public expenditures required to maintain current median standards in these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(9) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.
SEC. 402. NONIMMIGRANT TEMPORARY WORKER. (a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

"(H) an alien—

"(i)(b) subject to section 212(j)(2)—

"(aa) who is coming temporarily to the United States to perform services or labor other than services described in clause (i)(a) or subparagraph (O) or (P) in a specialty occupation described in section 214(i)(1) or as a fashion model; and

"(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability; and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1);

"(b)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A); and

"(bb) who is engaged in a specialty occupation described in section 214(i)(3); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or

"(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse;

"(bb) who meets the qualifications described in section 214(m)(1); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or

"(H)(a) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning; and

"(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including labor on farms (as defined in section 312(g) of the Internal Revenue Code of 1986), agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) and the pressing of apples for a period not more than 3 years, and the initial period of authorized admission as an H–2C nonimmigrant shall be 3 years, and the application submitted under this paragraph a certification in which the alien certifies that—

"(aa) the alien has read and understands all of the questions and statements on the application form;

"(bb) the alien certifies under penalty of perjury that the alien or any other individual under the laws of the United States that the alien has, and any evidence submitted with it, are all true and correct; and

"(cc) the alien authorizes the release of the alien's personal data to relevant Government authorities in the course of any investigation or enforcement purpose.

SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS. (a) TEMPORARY GUEST WORKERS.— (1) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"SEC. 218A. REQUIREMENTS FOR H–2C NONIMMIGRANT WORKERS.

"(a) AUTHORIZATION.—The Secretary of State may grant a temporary visa to an H–2C nonimmigrant who demonstrates an intent to perform labor or services required for an occupation under section 101(a)(15)(H) or subparagraph (L), (O), or (P) of section 101(a)(15).

"(b) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for H–2C nonimmigrant status if the alien meets the following requirements:

1. ELIGIBILITY TO WORK.—The alien shall be able to perform the labor or services required for an authorized period of admission as an H–2C nonimmigrant.

2. EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer, an offer of placement, or a contract to perform agricultural labor or services prescribed in this paragraph, which the alien is capable of performing, and the period of employment is consistent with the requirements of 218B.

3. FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing the alien’s application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocity fees.

4. MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien’s expense, that conforms to generally accepted standards of medical practice.

5. APPLICATION CONTENT AND WAIVER.— (A) APPLICATION FORM.—The alien shall submit an application for an H–2C nonimmigrant status, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirement of subparagraphs (1) and (2).

(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien’s eligibility for an H–2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien’s—

(i) physical and mental health;

(ii) criminal history and gang membership;

(iii) immigration history; and

(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(B) Authorization.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(aa) the alien or the alien’s employer has engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government;
"(1) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

"(2) a period of authorized temporary unemployment caused by circumstances beyond the control of the alien.

(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to leave the United States.

(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who leaves the United States under subparagraph (B), may reenter the United States as an H-2C nonimmigrant to work for an employer, if the alien has complied with the requirements of subsection (b). The Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such alien for admission as an H-2C nonimmigrant without requiring the alien's departure from the United States.

(4) VISITS OUTSIDE UNITED STATES.—

"(A) In general.—Under regulations established by the Secretary of Homeland Security, an H-2C nonimmigrant—

"(i) may travel outside of the United States under regulations established by the Secretary of Homeland Security, an H-2C nonimmigrant—

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) PROCESS ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(5) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted H-2C nonimmigrant status, or an extension of such status,

"(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 285.

"(B) the alien is inadmissible as a nonimmigrant;

"(C) the alien meets the following requirements:

"(1) any relief under section 240A(a), 240A(b)(1), or 240B;

"(2) nonimmigrant status under section 101(a)(15)(B) (as defined in section 274A);

"(3) shall, during the alien's authorized period of admission under subsection (f), serve in the Treasury in accordance with section 274B and 274C;

"(4) may be accepted during the period of the alien's authorized admission if the alien is required to work or reside in the United States for less than 1 year after the expiration of such H-2C nonimmigrant status.

"(6) EVIDENCE OF NONIMMIGRANT STATUS.—Each alien granted nonimmigrant status under this subsection shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and allow for biometric authentic identification;

"(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

"(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid document for the purpose of applying for admission to the United States;

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; and

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(5) foreign labor contracting activity.

"The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an alien who resides outside of the United States for employment in the United States as a nonimmigrant, alien described in section 101(a)(15)(H)(i)(c).


(8) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at comparable wages or working conditions which are less favorable than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

(9) UNITED STATES WORKER.—The term 'United States worker' means an employee who—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be physically present in the United States.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-2C workers'.

SEC. 604. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—The Secretary shall promulgate regulations to implement this Act, to ensure that employers of workers covered under this Act are not adversely affected by the violation who brings a complaint on behalf of such worker.

(2) AREA OF EMPLOYMENT.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the temporary worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(5) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an alien who resides outside of the United States for employment in the United States as a nonimmigrant, alien described in section 101(a)(15)(H)(i)(c).


(8) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at comparable wages or working conditions which are less favorable than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

(9) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be physically present in the United States.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-2C workers'.
SEC. 218B. EMPLOYER OBLIGATIONS.

(a) GENERAL REQUIREMENTS.—Each employer who employs an H–2C nonimmigrant shall—

(1) file a petition in accordance with subsection (b); and

(2) pay the appropriate fee, as determined by the Secretary of Labor.

(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the area of intended employment to which the H–2C nonimmigrant is sought—

(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which the petition is filed, and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency to notify labor organizations in the State in which the employer is located.

(B) Authorize the State Employment Service Agency to post the job opportunity on the website for America’s Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the bargaining representative of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, notwithstanding any other valid employment criteria.

(B) submit a copy of a petition to an H–2C nonimmigrant under this section shall include an attestation by the employer of the following:

(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H–2C nonimmigrant—

(A) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

(B) did not and will not cause the separation or transfer to another employer not for good faith efforts have been taken to avoid such separation or transfer, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

(1) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before such filing date; and

(ii) the actual wage paid by the employer for the occupation in the areas of intended employment was used in conducting recruitment.

(2) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

(3) BONAFIDE OFFER OF EMPLOYMENT.—The job for which the H–2C nonimmigrant is sought is a bona fide job—

(A) for which the employer needs labor or service;

(B) has which has been and is clearly open to any United States worker; and

(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

(3) WORKING CONDITIONS.—All workers in the occupation at the place of employment at which the H–2C nonimmigrant will be employed will be provided notice of the working conditions and benefits that are normal to workers similarly employed in the area of intended employment.

(4) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute at the place of employment at which the H–2C nonimmigrant will be employed.

(5) PROVISION OF INSURANCE.—If the position for which the H–2C nonimmigrant is sought is not covered by an appropriate statutory wage.

(6) NOTICE TO EMPLOYEES.—(A) IN GENERAL.—The employer has provided notice of the filing of the petition to the bargaining representative of the employer’s employees in the occupational classification and area of employment for which the H–2C nonimmigrant is sought.

(B) NINTERPRETATION.—If there is no such bargaining representative, the employer has—

(i) posted a notice of the filing of the petition in conspicuous locations at the place of employment for which the H–2C nonimmigrant is sought; or

(ii) electronically disseminated such a notice to any employees, the occupational classification for which the H–2C nonimmigrant is sought.
Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

(A) has, with respect to the attestations required under subsection (b)—

(i) misrepresented a material fact; or

(ii) made a fraudulent statement; or

(iii) failed to comply with the terms of such attestations;

(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor;

(C) misrepresented—

(i) work that will be performed; or

(ii) wages to be paid; or

(iii) the name of the employer or other person that the employee or former employee reasonably believes demonstrated a violation of this Act; or

(iv) the effect of any fee to a worker for such foreign labor contracting activity; and

(D) engages in foreign labor contracting activity unless such fee is reasonable and the employer in any foreign labor contractor, or the employer, other person, or organization has knowingly made a material misrepresentation in the application for such foreign labor contractor registration of foreign labor contractors not registered under this subparagraph.

"(2) REGULATION OF FOREIGN LABOR CONTRACTORS.—

(A) COVERAGE.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(B) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discriminate against, or otherwise for any reason or any remedy under Federal, State, local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

(C) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(D) EARNINGS.—Any earnings derived by any right or any remedy under Federal, State, local labor or employment law that would be applicable to an employed H–2C nonimmigrant worker, or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

(E) FEE.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

(F) ABUSE.—An employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment and the real party in interest—

(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

(H) the existence of any arrangement with any foreign labor contractor or its agent where such person receives a commission from the provision of items or services to workers; and

(I) the period of employment.

(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, local tax and revenue laws.

(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

(5) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

(A) IN GENERAL.—The Secretary of Labor shall conduct an investigation under this paragraph; or

(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

(I) IN GENERAL.—No person shall engage in any foreign labor recruiting activity unless such person has a certificate from the Secretary of Labor.

(2) FILING DEADLINE.—No investigation or resolution of this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall conduct an investigation under this subsection relating to employer obligations shall be subject to remedies for foreign labor contractor violations under subsections (b) and (i). An employer that violates a provisions of this subsection relating to employer obligations shall be subject to remedies for foreign labor contractor violations under subsections (b) and (i).

(3) RESOLUTION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subsection.

(4) NOTICE AND HEARING.—

(A) RECOMMENDATION.—The Secretary shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine whether there is reasonable cause to find such a violation.

(B) NOTICE AND HEARING.—

(i) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812); and

(ii) any other requirements that the Secretary may prescribe.

(5) PROOF.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

(6) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—The Secretary shall—

(A) refuse to issue or renew, or may suspend or revoke, a certificate of registration if the Secretary determines, after notice and an opportunity for a hearing, that the certificate is not valid for 2 years.

(B) has a certificate issued or revoked, or if any agreement to engage in foreign labor contracting activity for, or on behalf of, the employer.

(C) certifies to the Secretary, in a form specified by the Secretary, that the entity or organization has knowingly made a material misrepresentation in the application for such certificate.

(D) the applicant for, or holder of, the certificate is not the real party in interest in the application or certificate of registration and the real party in interest is a person that has been refused issuance or renewal of a certificate; or

(E) neither the applicant for, or holder of, the certification has failed to comply with this Act.

(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to cover any fee to a worker for such foreign labor contracting activity.

(G) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discriminate against, or otherwise for any reason or any remedy under Federal, State, local tax and revenue laws.

(H) LABOR RECRUITERS.—

(I) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

(A) the effect of any fee to a worker for such foreign labor contracting activity; and

(B) the compensation for the employment;

(C) a description of employment activities;

(D) the period of employment;

(E) any other employee benefit to be provided and any costs to be charged for each benefit;

(F) any travel or transportation expenses to be assessed;
‘(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

‘(B) HEARING.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer an opportunity for a hearing, the Secretary shall notify the aggrieved party or organization in writing and shall make a finding on the matter in accordance with paragraph (5).

‘(5) ATTORNEYS’ FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys’ fees and costs.

‘(6) POWER OF THE SECRETARY.—The Secretary of Labor may, subject to the direction and control of the Attorney General—

‘(A) seek affidavits, and conduct hearings and other administrative proceedings, in any court of competent jurisdiction—

‘(1) to seek remedial action, including injunctive relief;

‘(2) to recover the damages described in subsection (i); or

‘(B) to ensure compliance with terms and conditions described in subsection (g).

‘(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

‘(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

‘(1) PENALTIES.—

‘(A) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (f), or (g), the Secretary may impose administrative remedies and penalties, including—

‘(i) back wages;

‘(ii) benefits; and

‘(iii) civil monetary penalties.

‘(B) The Secretary of Labor may impose, as a civil penalty—

‘(i) for a violation of subsection (e) or (f)—

‘(1) a fine in an amount not to exceed $2,000 per violation per affected worker;

‘(ii) if the violation was willful, a fine in an amount not to exceed $5,000 per violation per affected worker;

‘(iii) if the violation was willful and if, in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

‘(B) for a violation of subsection (g)—

‘(1) a fine in an amount not less than $500 and not more than $1,000 per violation per affected worker; and

‘(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

‘(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

‘(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 2861.

‘(4) CIVIL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection (g) shall be subject to a fine not more than $6,000, as fined in an amount not more than $35,000, or both.’; (b) clerical amendment—The table of contents is amended by inserting after the item relating to section 218A, as added by section 404, the following:

‘Sec. 218B. Employer obligations.

‘Sec. 405. Alien Employment Management System.

‘(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218B, as added by section 404, the following:

‘Sec. 218C. Alien Employment Management System.

‘(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commission of Social Security, shall develop and implement a program (referred to in this section as the ‘Alien Employment Management System’) to manage and track the employment of aliens described in sections 218A and 218D.

‘(b) REQUIREMENTS.—The alien employment management system shall—

‘(1) provide employers who seek employees with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H-2C nonimmigrant;

‘(2) collect sufficient information from employers regarding the occupation of the aliens to be hired under section 218A and 218D, as follows:

‘(A) the number of H-2C nonimmigrants that an employer is authorized to hire and is currently employing;

‘(B) the occupation, industry, and length of time that an H-2C nonimmigrant has been employed in the United States;

‘(3) allow employers to request approval of multiple H-2C nonimmigrants; and

‘(d) Access to Electronic Job Registry.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

‘(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

‘(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

‘Sec. 406. Temporary Guest Worker Visa Program Task Force.

‘(a) Establishment.—There is established a task force to be known as the ‘Temporary Worker Task Force’ (referred to in this section as the ‘Task Force’).

‘(b) Purpose.—The purposes of the Task Force are—

‘(1) to study the impact of the admission of aliens under section 101(a)(15)(a) on the wages, working conditions, and employment opportunities available to United States workers; and

‘(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(c).

‘(c) Membership.—

‘(1) In General.—The Task Force shall be composed of 10 members, of whom—

‘(A) 2 shall be appointed by the President and shall serve as chair of the Task Force; and

‘(B) 2 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chair of the Task Force;

‘(2)_deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of the enactment of this Act.

‘(3) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

‘(4) Quorum.—Six members of the Task Force shall constitute a quorum.

‘(a) Establisment.—There is established a Temporary Guest Worker Task Force to—

‘(A) shall be appointed by the minority leader of the Senate; and

‘(B) be appointed by the Speaker of the House of Representatives; and

‘(C) shall be appointed by the minority leader of the House of Representatives.

‘(b) Duties.—The Task Force shall—

‘(1) study the impact of the admission of aliens under section 101(a)(15)(a)(C) on the wages, working conditions, and employment of United States workers; and

‘(2) make recommendations to the Secretary of Homeland Security, in consultation with the Secretary of Labor, to determine whether the adverse impact described in paragraph (1) is significant.

‘(c) Membership.—

‘(1) In General.—Members of the Task Force shall be—

‘(A) individuals with expertise in economics, demographics, labor, business, or immigration; and

‘(B) representatives of a broad cross-section of organizations within the United States, including the public and private sectors and academia.
(2) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(3) NONGOVERNMENTAL APPOINTEES.—An individual, by virtue of his or her position in, employment by, or association with, the Federal Government, may not be an employee of or employed by the Federal Government or of any State or local government.

(c) MEETINGS.—(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force on the day on which it is convened. The call of the chairman or a majority of its members shall constitute a quorum necessary to the transaction of business.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—

(1) findings with respect to the duties of the Task Force; and

(2) recommendations for imposing a numerical limit.

(g) NUMERICAL LIMITATIONS.—Section 214(e)(1) (8 U.S.C. 1184(e)(1)) is amended—

(1) by striking ''(B)'' in the first place and inserting ''(c)''; and

(2) by adding at the end the following:

(w) in (B), by striking the period at the end and inserting ''and'';

(x) by inserting at the end the following: ''Secretary of Labor, and the Secretary, a re-";

101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law."

(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENCE.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

For purposes of adjustment of status under subsection (b), employment-based immigrant visas shall be made available, subject to the numerical limitations set out in section 214 of this title, and 203(b), to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as added by section 402, to enter into a bilateral agreement with the United States that conforms to the require-ments under section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by adding at the end the following:

(c) REPORTS.—(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)(4)) is amended—

(A) by striking ''The Attorney General'','' and inserting ''Secretary of Homeland Security'',' and ''that includes—'';

(B) in subparagraph (D), by striking ''and''; and

(C) by adding at the end the following:

In the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law; and

(ii) the efforts made by the Secretary of Homeland Security to admit such non-immigrants;

and

(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following:

To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are ad-mitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

SEC. 410. V ISSA.-

(a) EXPANSION OF S VISA CLASSIFICATION.—


(1) in clause (1)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'','and

(B) in subclause (I), by inserting before the semicolon, ''including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials,'';

(C) by inserting ''that includes—'' before ''whose''; and

(D) by striking ''or'' at the end; and

(2) in clause (2)—

(A) by striking ''Secretary of Homeland Security'' and inserting ''Secretary of Homeland Security'',' and

(B) by striking ''1956,''; and

(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law; and

(ii) the efforts made by the Secretary of Homeland Security to admit such non-immigrants;

and

(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

(2) FORM OF REPORT.—Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are ad-mitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(3) by adding at the end the following:

(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if

(4) by adding at the end the following:

(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if
the employer operating the new facility has—

"(i) a business plan;

"(ii) sufficient physical premises to carry out the business activities; and

"(iii) the financial ability to commence doing business immediately upon the approval of the petition.

"(b) Notwithstanding the approval period under clause (i) may not be granted unless the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L); and

"(III) a statement summarizing the original petition—

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(c) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in any visa waiver program under this section, the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in paragraph (b) was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(d) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(e) A spouse described in clause (i) may be provisionally employed upon the approval of an extension under subparagraph (G)(i).

"(f) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of Labor to verify a company or facility’s existence in the United States and abroad.”

SEC. 412. COMPLIANCE INVESTIGATORS.

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(b) PROBATIONARY ADVERTISEMENT.—

"(A) DEFINITION OF MATERIAL SUPPORT.—In this paragraph, the term ‘material support’ means travel paid for in sole or joint equivalency, of but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom—Frederick—logistical or tactical support, or a military presence.

"(B) BY EXAMINATION AS A PROGRAM COUNTRY.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

"(i) the country is a member of the European Union;

"(ii) the country is providing material support to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State; and

"(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not further the national security interests of the United States.

"(C) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (B), the country—

"(I) shall be in full compliance with all applicable requirements for program country status under this section; or

"(II) shall have its program country designation terminated.

"(E) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (B) if the country—

"(I) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

"(II) has achieved full compliance before the end of such 2-year period; and

"(III) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act, and for each subsequent fiscal year beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ‘Fairness in Immigration Litigation Act of 2006’.

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION VIOLATIONS.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety;

and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(b) WRITTEN EXPLANATION.—The requirements described in subsection (a) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(c) EXPEDIENCY OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; or

(B) makes the order final before expiration of such 90-day period.

(d) PROCEDURE FOR ORDER AFFECTING IMMIGRATION REGULATIONS AGAINST THE GOVERNMENT.

(1) IN GENERAL.—A court shall promptly rule on the Government’s motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—Any order staying, suspending, delaying, or preventing the implementation of any regulation made under section 1105a of this title shall be—

(A) IN GENERAL.—The Government’s motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief under section 1105a of this title shall be automatically stayed for not longer than 15 days.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not more than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(e) SETTLEMENTS.—
(1) Consent decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) Private settlement agreements.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to judicial enforcement other than reinstatement of the civil proceedings that the agreement settled.

(3) Definitions.—In this section:

(1) Consent decree.—The term “consent decree” means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) Good cause.—The term “good cause” does not include discovery or congestion of the court’s calendar.

(3) Government.—The term “Government” means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) Permanent relief.—The term “permanent relief” means relief issued in connection with a final decision of a court.

(b) Pending motions.—Every motion to vacate, modify, or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act.

(c) Automatic stay for pending motions.—

(A) In general.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court, and shall remain in effect until the court enters an order granting or denying the Government’s motion under section 242(b).

(B) Duration of automatic stay.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government’s motion under section 242(b).

(c) Provisions of the Act applicable to proceedings involving aliens.—Subject to paragraph (2), the provisions of sections 242(b) and 242(c) of the Immigration and Nationality Act, as added by this Act, shall apply to proceedings involving aliens.

SEC. 502. COUNTRY LIMITS.

Section 202(a)(8) (8 U.S.C. 1151(a)) is amended to read as follows:

“(a) Preference allocations for family-sponsored immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas in a number not to exceed the sum of—

(1) 10 percent of such worldwide level; and

(2) Any visas not required for the classes specified in paragraph (4).

(b) Spouses and unmarried sons and daughters of permanent resident aliens.—

(1) In general.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the classes specified in paragraph (1) shall be allocated to qualified immigrants who are—

(i) the spouses or children of an alien lawfully admitted for permanent residence; or

(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

(B) Minimum percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

(C) Marital relationships.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.

(2) Violation of 2006 Act.—Subject to paragraph (1), the worldwide level of visas available for fiscal year 2007 through 2016; or

(3) Limitation on visas.—In fiscal year 2017; or

(4) President.—In each fiscal year after fiscal year 2006; or

(5) Enforcement of paragraph.—

(A) In general.—Visas shall be made available in a number not to exceed the sum of—

(i) 10 percent of such worldwide level; and

(ii) Any visas not required for the classes specified in paragraphs (1) and (2).

(B) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is physically present in the United States may not exceed 650 during any fiscal year.

(C) Unmarried sons or daughters of permanent resident aliens.—

(1) In general.—Visas available, in a number not to exceed 30 percent of such worldwide level.

(2) Limitation on visas.—In fiscal year 2001 through 2005; and

(3) Limitation on visas.—Visas available, in a number not to exceed 30 percent of such worldwide level.

(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the unmarried brothers or sisters of a citizen of the United States may not exceed 650 during any fiscal year.

(5) Preference allocations for family-sponsored immigrants.—Visas shall be made available to qualified immigrants who are—

(i) the unmarried sons or daughters of an alien lawfully admitted for permanent residence; or

(ii) the spouses or children of an alien lawfully admitted for permanent residence.

(2) Preference allocations for family-sponsored immigrants.—Visas shall be made available for fiscal year 2007 through 2016; or

(3) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(B) Unmarried sons or daughters of permanent resident aliens.—

(1) Preference allocations for family-sponsored immigrants.—Visas shall be made available for fiscal year 2007 through 2016; or

(2) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(3) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(D) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(5) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(E) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(F) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(G) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(H) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(I) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(J) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(K) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(L) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

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(P) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(Q) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(R) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(S) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(T) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(U) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(V) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(W) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(X) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(Y) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(Z) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(aa) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(bb) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(cc) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(dd) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

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(ff) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(gg) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(hh) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(ii) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(jj) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(kk) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(ll) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(mm) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(nn) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(oo) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(pp) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(qq) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(rr) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.

(ss) Preference allocations for family-sponsored immigrants.—Visas shall be made available for the fiscal year 2007 and each subsequent fiscal year.
(c) Special Immigrants Not Subject to Numerical Limitations.—Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking “paragraph (A) or (B) of”.

(d) Exception to Non-Discrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “201(b)(3)(A)’’) and inserting “201(b)(1)”.

(2) Repeal of Temporary Reduction in Workers’ Visas.—Section 201(e) of the Nicaraguan Adjustment and Central American Health Relief Act (Public Law 106-100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. Relief for Minor Children and Widows.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2) (A) Aliens admitted under section 211(a) of the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

(II) in this subparagraph, the term ‘immediate relative’ means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 14 years of age.

(III) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen’s death or, if married to the citizen for less than 2 years at the time of the citizen’s death, proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit and was not legally separated from the citizen at the time of the citizen’s death, and each child of such alien, shall be considered to be a parent, for the purpose of this subsection, to remain an immediate relative after the date of the citizen’s death if the spouse files a petition under section 204(a)(1)(A)(i) before the earlier of—

(I) 2 years after such date; or

(II) the date on which the spouse remarried.

(IV) In this clause, an alien who has filed a petition under clause (II) or (IV) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary reduction in workers’ visas under section 201(e) of the Nicaragua Adjustment and Central American Health Relief Act, may be treated in the same manner as an immediate relative.

(b) Petition.—Section 204(a)(1)(A)(i) (8 U.S.C. 1154a(a)(1)(A)(i)) is amended by striking “in the second sentence of section 201(b)(2)(A)(ii) also” and inserting “in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)”.

SEC. 505. Shortage Occupations.

(a) Exception to Direct Numerical Limitations.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

“(F) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

(1) who is otherwise described in section 203(b); and

(2) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States citizens, nationals, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similar employment of United States workers;

(II) During the period described in clause (I), the spouse or dependents of an alien described in clause (I), if accompanying or following to join such alien.

(b) Exception to Non-Discrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “201(b)(3)(A)” and inserting “201(b)(1)”.

(c) Exception to Per Country Levels for Family-Based and Employment-Based Immigrants.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting “, except for aliens described in section 201(b)(1), after any fiscal year.”

(d) Increasing the Domestic Supply of Nurses and Physical Therapists.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of shortages in nursing and physical therapists in each State, which report shall—

(A) Include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their education in the United States and those who received such education outside the United States; and

(E) to the extent practicable, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) report to the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists were employed in the same manner as a refugee solely for purposes of section 412.

(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to an alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may

SEC. 506. Relief for Widows and Orphans.

(a) Short Title.—This section may be cited as the ‘‘Widows and Orphans Act of 2006.’’

(b) New Special Immigrant Category.—

(1) Certain Children and Women at Risk of Harm.—Section 101(a)(27) (8 U.S.C. 1101(a)(27) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

“(N) subject to subsection (j), an immigrant who is not present in the United States—

(i) who is—

(I) referred to a consular or immigration official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

(aa) for whom no parent or legal guardian is able to provide adequate care;

(bb) who faces a credible fear of harm related to his or her age;

(cc) who lacks adequate protection from such harm; and

(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

(ii) who is—

(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

(II) determined by such official to be a female who has—

(aa) a credible fear of harm related to her sex; and

(bb) a lack of adequate protection from such harm.

(2) Statutory Construction.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(5) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(ii) shall be treated as a parent, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

(2)(A) No alien who qualifies for a special immigrant visa under section (a)(27)(N)(ii) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join such alien. For this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

(3) An alien who qualifies for a special immigrant visa under section (a)(27)(N)(ii) shall be treated in the same manner as a refugee solely for purposes of section 412.

(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to an alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may..."
waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, if the Secretary has ensured that a search of each database maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(c) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).

(a) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(b) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).

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(b) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).

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(b) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).

(a) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(b) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).

(a) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(b) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each such fingerprint and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints to be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

(5) For purposes of subsection (a)(27)(N) of the Immigration and Nationality Act, as added by section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (1).
“(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had it been enacted before the completion of such alien’s graduate studies; or

(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

(C) the alien is the beneficiary of a petition filed under paragraph (E) or (F) of section 204(a)(1); and

(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

(8) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa becomes available.

(9) FILING IN CASES OF UNAVAILABLE VIS A NUMERIS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including any accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

(V) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of the enactment of this paragraph on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

(B) adjust each applicable employment authorization or advanced parole travel document of the immigrant, and

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(e)(1)(A) (8 U.S.C. 1356(e)(1)) is amended by inserting “and 80 percent of the fees collected under section 245(a)(2)(D)” before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(e)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)(D)) is amended by inserting “and 20 percent of the fees collected under section 245(a)(2)(D)” before the period at the end.

(SEC. 508. VISA VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(A) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end following:

“(D) Aliens who have earned an advanced degree in science, technology, engineering, or mathematics and have been working in a related field in the United States under a nonimmigrant status for at least 3 years preceding their application for an immigrant visa under section 203(b).

(E) Aliens described in subparagraph (A) or (B) of this subsection who have received a national interest waiver under section 203(b)(2)(B)."

(2) (A) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 208(b).

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(i)(8) U.S.C. 1182(a)(5)(A)(i)(8)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”;

and

(3) by adding at the end the following:

“(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.”

(c) TEMPORARY WORKERS.—Section 214(b) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 2002)” and

(B) in subparagraph (A)—

(i) in clause (vii), by striking “successing fiscal year;” and

(ii) in clause (vii), by striking “successing fiscal year;” and

and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking “or” at the end;

and

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

and

(C) by adding at the end the following:

“(D) has earned an advanced degree in science, technology, engineering, or mathematics;”

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

“(9) If the numerical limitation in paragraph (a)(2) of this subsection is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.”

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting “and immigrants with advanced degrees” after “diversity immigrants”; and

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

“(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

“(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year beginning after October 1991.

“(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants

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with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.

(7) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)(2)) is amended—
(1) in subsection (c)—
(A) in paragraph (1), by striking “paragraph (2), aliens subject to the worldwide level specified in section 201(e)”, and inserting “paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)”; and
(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;
(C) by inserting after paragraph (1) the following:
(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—
(A) IN GENERAL.—Qualified immigrants who hold a master’s or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e) which—
(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.
(D) in paragraph (3), as redesignated, by striking “this subsection” each place it appears and inserting “paragraph (1)”; and
(E) by redesignating paragraph (4), as redesignated, to read as follows:
(4) MAINTENANCE OF INFORMATION.—
(A) DIVERSITY IMMigrants.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).
(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under subsection (c).

2. (c) The Secretary of Homeland Security shall provide the petitioner with the opinion, letter of no objection, or request for a waiver or
(C) If the Secretary of State has made a determination under subsection (a) shall apply to any petition filed by subsection (a), are prohibited from section 203(a) of the Immigration Act of 1990.

3. (a) 2 years after the date of the enactment of this Act; or
(b) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

4. (A) 2 years after the date the subsection is in effect;
(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of qualified immigrants who have a degree selected under subsection (c)(2)(B) is less than the worldwide level specified in section 201(e), the Secretary shall—
(1) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2); and
(2) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(B); and
(G) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

5. (c) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

6. (c) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.
or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SEC. 523. MARKET-BASED VISA LIMITS.

Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "(beginning with fiscal year 1992) and (B) in subparagraph (A)—

(i) in clause (vi) by striking "and"; and

(ii) in clause (vii), by striking "each succeeding fiscal year; or"; and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(iii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or"

(2) in paragraph (8), by striking subparagraphs (D) and (E); (3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and (4) by inserting after paragraph (8) the following:

"If the numerical limitation in paragraph (A)—

(I) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.";

SEC. 524. UNITED STATES EDUCATED IMMIGRANTS.

(a) In General.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(A) who have earned a master's or higher degree from an accredited United States university.

(G) aliens who have been awarded med- ical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).

(H) Aliens who while in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient workers able, willing, and qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

(I) Aliens who have earned a master's degree or higher in science, technology, engineering, and mathematics who have been working in a related field in the United States in a non-immigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

(J) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b).

(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).

(2) By striking "or" at the end of subclause (I).

(3) by adding at the end the following:

"(III) is a member of the professions and has a master's degree or higher from an accredited United States university or has taken post-doctoral medical specialty certification based on post-doctoral training and experience in the United States.";

SEC. 525. STUDENT VISA REFORM.

(a) In General.—

(1) Nonimmigrant Classification.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F) an alien who—

(i) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, and the sciences leading to a bachelor's or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, or education or training of an alien having an approved petition for admission or change of status from an institution of higher education with respect to an area of study for which an institution or in a language training program, a secondary school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution or place of study fails to make reports promptly the approval shall be withdrawn; or

(ii) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

(iii) who—

(I) has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education consistent with section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in paragraph (D), by striking the references to paragraphs (B)(iv) and (D) and inserting paragraphs (B)(iv) and (D);

(iv) the number calculated under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; and

(v) for the purpose of pursuing such a course of study consistent with section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in paragraph (D), by striking the references to paragraphs (B)(iv) and (D) and inserting paragraphs (B)(iv) and (D)."

(b) SEC. 526. L-1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

"(2) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any non-immigrant alien who has issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 203(b) to accord the alien L-1 nonimmigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 527. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) Adjustment of Status.—

(1) In General.—Section 264(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) ELIGIBILITY.—

"(1) In General.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(i), (A)(iv), (B)(i), or (B)(ii) of section 203(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(2) Admission.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting "(F)(i)," before "(L) or (Y)");

(3) Conforming Amendment.—Section 214(b)(1) (8 U.S.C. 1184(b)) is amended in the matter preceding subparagraph (A), by striking "(i) or (ii)" and inserting "(i), (ii), or (iv)");

(4) Off Campus Work Authorization for Foreign Students.—

(1) In General.—Aliens admitted as non-immigrant students described in section 101(a)(15)(F), as amended by section (a), (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study.

(A) the alien has enrolled full-time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the position will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(5) SEC. 528. L-1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

"(2) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any non-immigrant alien who has issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 203(b) to accord the alien L-1 nonimmigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 529. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) Adjustment of Status.—

(1) In General.—Section 264(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) ELIGIBILITY.—

"(1) In General.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(i), (A)(iv), (B)(i), or (B)(ii) of section 203(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—
“(A) the alien makes an application for such adjustment; (B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and (C) an immigrant visa is immediately available to the alien at the time the application is filed.

(2) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce office of a State, and such official website shall include on the website information on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(3) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 521(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer’s recruitment of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of decision of such application.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall make decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(4) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, whether or not the Secretary of Labor has amended the regulation under section 286 of the Immigration and Nationality Act (8 U.S.C. 1356(v)(1)) is amended by inserting at the end the following new paragraph:

‘‘(i) The Secretary of Labor, the Attorney General, or any court may not—

(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence; (2) grant or order the grant of any other status, relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security, the Attorney General, or any court may not—

(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence; (2) grant or order the grant of any other status, relief, protection from removal, or other benefit under such Act that was filed with the Secretary on or before August 26, 2005—

(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—In no case shall any court issue a writ of habeas corpus under any provision of law, no court may require any act described in subsection (j) to be completed by a certain time or award any relief for the failure to complete such acts.”.

SEC. 532. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

‘‘(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence; (2) grant or order the grant of any other status, relief, protection from removal, or other benefit under such Act; (3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—In no case shall any court issue a writ of habeas corpus under any provision of law, no court may require any act described in subsection (j) to be completed by a certain time or award any relief for the failure to complete such acts.”.

SEC. 541. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Victims Immigration Benefits Preservation Act”.

SEC. 542. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term “direct result of a specified hurricane disaster”—

(A) means physical damage, disruption of communications or transportation, forced or involuntary evacuation of any kind, or any other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 543. SPECIAL IMMIGRATION STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); (2) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(1) a petition that was filed with the Secretary on or before August 26, 2005—
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(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153). An alien may lawfully remain in the United States or an alien lawfully admitted for permanent residence in the United States or an alien lawfully admitted for temporary residence as of August 26, 2005, was the spouse or child of—

(a) a principal alien described in subparagraph (A); or

(b) an alien who died as a direct result of a specified hurricane disaster.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this paragraph if the alien was the spouse or child of a principal alien described in paragraph (1) and

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(A) is accompanying such principal alien; or

(B) is following to join such principal alien not later than August 26, 2005;

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary of Labor, except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151-1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subsection (b)(1)(A), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 544. EXTENSION OF FILING OR REENTRY PERIOD.

(a) AUTOMATIC EXTENSION OF NON-IMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary’s discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disregarded.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this paragraph if the alien was the spouse or child of—

(a) a principal alien described in paragraph (1), the alien may be provided status under this section if—

(A) the deceased parent was a principal alien described in paragraph (1) of such Act (8 U.S.C. 1101(a)(15)(K));

(B) the application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before September 21, 2006;

(C) the petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this paragraph if the alien was assigned a priority date described in this paragraph if the alien was disregarded.

(b) SUBSEQUENT DECISIONS.—For purposes of the first sentence of paragraph (1)(A), the alien shall be treated as a principal alien described in paragraph (1) as of—

(i) the time of the principal alien’s death; or

(ii) the time of the alien’s death if the alien files a petition under section 204(a)(1) for such alien’s immigrant visa or adjustment of status under section 204(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has an employment-based visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year.

(c) ADVANCE NOTICE.—Employment authorization shall be granted relief under this paragraph shall be

(i) after the alien remarries. For purposes of the second sentence of section 201(b)(2)(A)(i) of such Act, to remain an immediate relative after the date of the citizen’s death if the alien files a petition under section 204(a)(1)(A)(i) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(i), an alien granted relief under this paragraph shall be granted relief under this paragraph shall be

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1225a) as a direct result of a specified hurricane disaster, the alien’s application may be considered timely filed if it is filed not later than 45 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 243 of the Immigration and Nationality Act (8 U.S.C. 1225c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 26, 2005, the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) mail or courier service cessations or delays;

(D) mandatory evacuation and removal; and

(E) circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISAS HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1229c), is inadmissible to the United States if the alien is unable to depart the United States as a direct result of a specified hurricane disaster, the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) mail or courier service cessations or delays;

(D) mandatory evacuation and removal; and

(E) circumstances, including medical problems or financial hardship.

(g) CURRENT NONIMMIGRANT VISAS HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1229c), is inadmissible to the United States if the alien is unable to depart the United States as a direct result of a specified hurricane disaster, the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) mail or courier service cessations or delays;

(D) mandatory evacuation and removal; and

(E) circumstances, including medical problems or financial hardship.

(h) CURRENT NONIMMIGRANT VISAS HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1229c), is inadmissible to the United States if the alien is unable to depart the United States as a direct result of a specified hurricane disaster, the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

SEC. 545. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN OF CITIZENS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen’s death and was not legally separated from the citizen at the time of the citizen’s death and died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen’s death if the alien files a petition under section 204(a)(1)(A)(i) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(i), an alien granted relief under this paragraph shall be considered an alien described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(b) CHILDREN.—

(1) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen’s death, if
the citizen died as a direct result of a specified hurricane disaster, the alien may be con-
sidered, for purposes of section 201(b) of the Immigrant and Nationality Act (8 U.S.C. 1151(b)) as having immediate relative after the date of the citizen’s death (regard-
less of subsequent changes in age or marital status), but only if the alien files a petition under section 201(b) not later than 2 years after such date.

(b) Petitions.—An alien described in sub-
paragraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) that would be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) Spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resi-
dent Aliens.—

(1) In General.—Any spouse, child, or un-
married son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immi-
grant under section 203(a)(2) of the Immi-
grant and Nationality Act (8 U.S.C. 1151(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted for lawful permanent residence by such date) a valid petitioner for the classification of the alien under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resi-
dent Aliens.—

(1) In General.—Any spouse, child, or un-
married son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immi-
gress and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, was the spouse or child of an alien

eligible for deferred action and work author-
ization by such date) a valid petitioner for

admission or approved for lawful permanent
residence by such alien before

gration and Nationality Act (8 U.S.C.

1153(a)(2)) that was filed by such alien before

DENT ALIENS.—

(1) Died as a direct result of a specified hurricane disaster; and

(b) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien’s death had not occurred.

(2) Alien.—An alien is de-
scribed in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien’s death had not occurred.

(2) Aliens Described.—An alien is de-
scribed in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(b) on the day before such death, was—

(i) an alien lawfully admitted for perma-
nent residence in the United States by rea-
sion of having been a alien under a visa under sec-
tion 203(b) of the Immigration and Nation-
ality Act (8 U.S.C. 1153(b)) or

(ii) an applicant for adjustment of status to that of an alien described in clause (1), and admissible to the United States for perma-
nent residence.

(d) Applications by Surviving Spouses and Children of Refugees and Asylees.—

(1) In General.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under section

207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien’s death had not occurred.

(2) Alien.—An alien is de-
scribed in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien’s death had not occurred.

(2) Aliens Described.—An alien is de-
scribed in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(b) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien’s death had not occurred.
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(J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such lawful status, or which is a direct result of a specified hurricane disaster.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

SEC. 601. ACCESS TO EARNED ADJUSTMENT AND MANDATORY DEPARTURE AND REENTRY

(a) Short Title.—This section may be cited as the ‘‘Immigrant Accountability Act of 2006.’’

(b) Adjustment of Status.—

(1) In General.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 256A, the following:

‘‘SEC. 256B. ACCESS TO EARNED ADJUSTMENT.

‘‘(a) Adjustment of Status.—

‘‘(I) Principal Aliens.—Notwithstanding any other provision of law, including section 241(h) of this Act, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following requirements:

‘‘(I) Application.—The alien shall file an application establishing eligibility for adjustment of status and pay the filing fee prescribed under subsection (m) and any additional amounts owed under that subsection.

‘‘(II) Continuous Physical Presence.—

‘‘(I) In General.—The alien shall establish that the alien—

‘‘(i) was physically present in the United States on or before the date that is 5 years before April 5, 2006;

‘‘(ii) was not legally present in the United States on April 5, 2006, under any classification set forth in section 101(a)(15); and

‘‘(iii) was not depart from the United States during the 5-year period ending on April 5, 2006, except for brief, casual, and innocent departures.

‘‘(II) Legally Present.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall be considered not to be legally present in the United States.

‘‘(III) Admissible Under Immigration Laws.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

‘‘(IV) Employment in United States.—

‘‘(I) In General.—The alien shall have been employed in the United States, in the aggregate, for—

‘‘(i) at least 3 years during the 5-year period ending on April 5, 2006; and

‘‘(ii) at least 6 years after the date of enactment of the Immigrant Accountability Act of 2006.

‘‘(V) Exceptions.—

‘‘(I) The employment requirement in clause (i)(i) shall not apply to an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

‘‘(II) The employment requirement in clause (i)(ii) shall be reduced for an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006 by a period of time equal to the duration of the relationship between the affiant and the alien, and other verification in evidence of such employment for each required period of employment, including—

‘‘(aa) bank records;

‘‘(bb) business records;

‘‘(cc) sworn affidavits from non-relatives who have direct knowledge of the alien’s work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

‘‘(dd) remittance records.

‘‘(V) Burden of Proof.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of evidence that the alien satisfies the employment requirements in clause (i). Once the burden is met, the Secretary of Homeland Security shall adjust to the status of an alien required to pay taxes under this subsection the alien’s evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

‘‘(VI) Payment of Income Taxes.—

‘‘(I) In General.—Not later than the date on which the alien enters into an agreement for payment of all outstanding liabilities has been paid or

‘‘(III) the alien shall have entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

‘‘(II) Applicable Federal Tax Liability.—

For purposes of clause (i), the term ‘‘applicable Federal tax liability’’ means liability for Federal taxes, including penalties and interest, owed for any period during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

‘‘(III) IRS Cooperation.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this sub-paragraph.

‘‘(IV) EVIDENCE OF EMPLOYMENT.—

‘‘(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i) the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of employment:

‘‘(aa) Records maintained by the Social Security Administration.

‘‘(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

‘‘(cc) Records maintained by the Internal Revenue Service.

‘‘(dd) Records maintained by a union or day labor center.

‘‘(ee) Records maintained by any other government agency, such as worker compensation records, social security records, or business licensing records.

‘‘(II) OTHER DOCUMENTS.—An alien who is unable to submit the documents described in clause (i) may satisfy the requirements in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

‘‘(aa) bank records;

‘‘(bb) business records;

‘‘(cc) sworn affidavits from non-relatives who have direct knowledge of the alien’s work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

‘‘(dd) remittance records.

‘‘(V) Additional Requirements.—

‘‘(I) Tax Liability.—The employment requirement under clause (i) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

‘‘(II) All outstanding liabilities have been met or

‘‘(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes as a result of clause (i) shall be reduced by 1 year for each year of full time post-secondary study in the United States during the relevant period.

‘‘(V) Full Time Post-Secondary Education.—The employment requirement under clause (i) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

‘‘(VI) Portability.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

‘‘(VII) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i) shall not be required to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax otherwise allowable under the tax code, prior to such taxable year.

‘‘(F) Basic Citizenship Skills.—

‘‘(I) In General.—Except as provided in clause (ii), the alien shall demonstrate that the alien meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).

‘‘(ii) Exceptions.—

‘‘(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with the requirements because of a physical or developmental disability or mental impairment.

‘‘(II) Waivers.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

‘‘(G) Security and Law Enforcement Clearances.—The alien shall submit fingerprints and other records established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection.

‘‘(H) Military Selective Service.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) such alien has registered under that Act.

‘‘(I) Adjustment of Status.—The Secretary may not file to adjust the status of an alien under this section to that of lawful permanent resident until the Secretary determines that the priority date have become current for the class of aliens whose regularization under this Act is pending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

‘‘(J) Spouses and Children.—

‘‘(A) In General.—

‘‘(I) Adjustment of Status.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

‘‘(ii) the spouse, or child who was under 21 years of age on the date of enactment of the Immigration Accountability Act of 2006, of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.
“(1) an alien who, within 5 years preceding the date of enactment of the Immigration Accountability Act of 2006, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

“(aa) the termination of the qualifying relationship was connected to domestic violence;

“(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjudges status or is eligible for adjustment of status under paragraph (1), if—

“(1) APPLICATION OF OTHER LAW.—In acting on an application under this paragraph, with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 260(c)(3)(A) and the protections, prohibitions, and penalties under section 38 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1326).

“(2) BATTERED OR SPOUSE OR CHILD.—The term ‘battered or subjected to extreme cruelty’ shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

“(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CONSIDERATION.—An alien is not inadmissible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4)(E) if the alien establishes a history of employment in the United States evincing self-support without public cash assistance.

“(4) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not inadmissible for adjustment to lawful permanent resident status under this section if—

“(i) the alien establishes that the action referred to in paragraph (3)(A) was due to exceptional circumstances, and—

“(aa) the alien was ordered removed on the basis of the alien’s failure to maintain legal status while in the United States; or

“(bb) the alien has been in the United States for more than 3 years to maintain a household; and

“(ii) the Secretary determines, in the exercise of the Secretary’s sole and unreviewable discretion, that the alien is not inadmissible for adjustment of status under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

“(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older and eligible to be admitted as an immigrant under subsection (a), shall present fingerprints and a photograph to the Secretary of Homeland Security, in accordance with procedures established by the Secretary of Homeland Security. The fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(3) NONAPPLICABILITY OF NUMERICAL LIMITATION.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

“(b) waiver of other grounds.

“(1) APPLICABLE PROVISIONS.—In the determination of an alien’s admissibility under paragraphs (1)(C) and (2) of subsection (a), the findings of section (2)(F) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

“(A) Paragraph (1) (relating to health).

“(B) Paragraph (2) (relating to criminals).

“(C) Paragraph (3) (relating to security and related grounds).

“(D) Paragraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

“(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9) (other than subparagraph (C)(ii)(II)), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

“(3) WAIVER OF OTHER GROUNDS.—

“(A) IN GENERAL.—Except as provided in paragraph (5), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when—

“(aa) the information furnished by any particular applicant can be identified; or

“(bb) the alien’s failure to appear was due to exceptional circumstances beyond the control of the alien; or

“(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

“(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CONSIDERATION.—An alien is not inadmissible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4)(E) if the alien establishes a history of employment in the United States evincing self-support without public cash assistance.

“(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not inadmissible for adjustment to lawful permanent resident status under this section if—

“(i) the alien establishes that the action referred to in paragraph (3)(A) was due to exceptional circumstances, and—

“(aa) the alien was ordered removed on the basis of the alien’s failure to maintain legal status while in the United States; or

“(bb) the alien has been in the United States for more than 3 years to maintain a household; and

“(ii) the Secretary determines, in the exercise of the Secretary’s sole and unreviewable discretion, that the alien is not inadmissible for adjustment of status under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

“(C) ERROR.—The Secretary may, in the exercise of the Secretary’s sole and unreviewable discretion, to examine individual applications that have been filed.

“(D) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such application, to any law enforcement entity in connection with a criminal investigation or prosecution or a
such order shall be effective and enforceable.

Paragraph (a) Violation. It shall be unlawful for any person to—

(i) fail or refuse to complete the application for adjustment of status under this section, including to telecommunicate, by written or electronic means, with any other alien or entity, including to provide honest and accurate information respecting the adjustment of status

(ii) create or cause to be created or to use in making such an application a writing or document containing any false, fictitious, or fraudulent information

(iii) knowingly use, publish, or permit information respecting an adjustment of status to be used, published, or permitted

(iv) knowingly fail or refuse to submit any information, evidence, or document pursuant to an order to appear or perform a duty

(v) knowingly use, publish, or permit information respecting an adjustment of status for any purpose other than to lawful effective and enforceable.

Paragraph (b) Penalty. Any alien who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

Exception. Notwithstanding paragraph (a) and (b), any alien or other entity (including an employer or union) that submits an employment record that contains inaccuracies or omissions in an application or that obtains employment on the basis of a false or misleading representation of employment or of the qualifications of an alien, shall not be liable for any Federal means-tested public benefit, unless the alien meets the eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

Relation of Amendments to Certain Orders. An alien who is present in the United States and has been ordered excluded, deported, or removed, or to depart voluntarily from the United States or is subject to a removal order or deportation order provisions of this Act, may notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure.

If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application under such order, the decision shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

Stay of Removal. An alien seeking administrative or judicial review under this subsection shall be effectively and enforceable.

(2) Dissemination of Information on Adjustment Program. During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status to employers and labor unions in the event that the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions as to the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated in the United States and to the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

(1) Employer Protection. The Secretary of Homeland Security shall issue regulations to implement this section.

(2) Issuance of Regulations. Not later than 120 days after the date of enactment of the Immigration Accountability Act of 2004, the Secretary of Homeland Security shall issue regulations to implement this section.
producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

(‘C) EXEMPTION.—The employment re- quirement required by subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

(‘D) ADMISSIBILITY.—(‘A) In general.—The alien shall establish that such alien—

(‘i) is admissible to the United States, ex- cept as provided in paragraph (5);

(‘ii) has not assisted in the prosecution of any person or persons on account of race, reli- gion, nationality, membership in a par- ticular social group, or political opinion;

(‘B) Grounds for applica- tion.—The provi- sions of paragraphs (5), (6)(A), and (7), and (9)(B) of section 212(a) shall not apply.

(‘E) Waiver.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(‘F) INELIGIBILITY.—

(‘A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

(‘i) has been ordered removed from the United States;

(‘ii) has been convicted of a felony;

(‘iii) the alien is subject to section 212(a)(5);

(‘iv) the Secretary of Homeland Security determines that the alien—

(‘a) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

(‘b) there are reasonable grounds for believing that the alien has committed a seri- ous crime outside the United States prior to the arrival of the alien in the United States;

(‘c) there are reasonable grounds for regard- ing the alien as a danger to the security of the United States;

(‘d) the alien has been convicted of a fel- ony or 3 or more misdemeanors.

(‘B) EXCEPTION.—Notwithstanding sub- paragraph (A), an alien who has not been or- dered removed from the United States shall remain eligible for adjustment to lawful per- manent resident status under this section if the alien’s ineligibility under subparagraph (A) is solely related to the alien’s—

(i) entry into the United States without inspection;

(ii) remaining in the United States be- yond the period of authorized admission; or

(iii) failure to maintain legal status while in the United States.

(‘C) Waiver.—The Secretary may, in the Secretary’s sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—

(‘i) entered without inspection;

(‘ii) failed to maintain legal status;

(‘iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006, and—

(i) demonstrates that the alien did not re- ceive notice of removal proceedings in ac- cordance with paragraph (1) or (2) of section 239A(a); or

(‘ii) establishes that the alien’s failure to appear was due to exceptional circumstances beyond the control of the alien;

(‘iii) the alien’s departure from the United States would result in hardship to the alien’s spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(‘D) Medical Examination.—The Secretary may be required, at the alien’s expense, to under- go such a medical examination (including a determination of immunization status) as is appropriate and conformity ac- cepted professional standards of medical practice.

(‘E) TERMINATION.—The Secretary of Homeland Security may terminate the alien’s Deferred Mandatory Departure status if—

(‘A) the Secretary of Homeland Security determines that the alien was not in fact eli- gible for such status; or

(‘B) the alien commits an act that makes the alien removable from the United States.

(‘F) APPLICATION CONTENT AND WAIVER.—

(‘A) APPLICATION FORM.—The Secretary of Homeland Security shall create an applica- tion form that an alien shall be required to complete as a condition of obtaining De- fered Mandatory Departure status. The Secretary shall require an alien to answer questions con- cerning the alien’s physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigra- tion history, involvement with groups or in- dividuals that have engaged in terrorism, genocide, persecution, or who seek the over- throw, or support the overthrow, of the United States government, or who are registered on the voter registration history, claims to United States citizenship, and tax history.

(‘B) Waiver.—The Secretary of Homeland Security shall require the alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining De- fered Mandatory Departure status, the alien agrees to waive any right to judicial review or to contest any removal action, other than on the basis of an application for asylum or withholding of removal or section 208(b)(4) of the provi- sions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treat- ment or Punishment, done at New York De- cember 10, 1984, or cancellation of removal pursuant to section 240(a).

(‘C) KNOWLEDGE.—The Secretary of Home- land Security shall require an alien to in- clude with the application a signed certifi- cation in which the alien certifies that the alien has read and understood all of the ques- tions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evi- dence submitted with it, are true and cor- rect, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

(‘D) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

(‘1) IN GENERAL.—The Secretary of Home- land Security shall implement and enforce the applica- tion process is secure and incorporates anti- fraud protection. The Secretary of Homeland Security shall interview an alien to deter- mine eligibility for Deferred Mandatory De- parture status and shall utilize biometric au- thentication at time of document issuance.

(‘2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Manda- tory Departure status not later than 3
months after the date on which the application form is first made available.

‘‘(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 12 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status. The provisions under subsections (e) and (f) of section 245B shall apply to applications filed under this section.

‘‘(4) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

‘‘(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

‘‘(e) ACKNOWLEDGMENT.—

‘‘(1) DETERMINATION OF ELIGIBILITY.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

‘‘(A) an acknowledgment made in writing and under oath that the alien—

‘‘(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

‘‘(ii) understands the terms of the terms of Deferred Mandatory Departure;

‘‘(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

‘‘(C) any false or fraudulent documents in the alien’s possession;

‘‘(D) any changes of name or address;

‘‘(E) any other information that is necessary to determine the eligibility of the alien for Deferred Mandatory Departure;

‘‘(F) at the time of the application, the alien provides a biometric data record that the Secretary of Homeland Security deems to be necessary to determine whether the alien is eligible for Deferred Mandatory Departure;

‘‘(G) the alien has not been granted Deferred Mandatory Departure status within the previous 12 months;

‘‘(H) the alien has not been granted Deferred Mandatory Departure status on any other application or application form that is not the application form first made available.

‘‘(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

‘‘(f) MANDATORY DEPARTURE.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security shall—

‘‘(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

‘‘(B) register with the Secretary of Homeland Security at the time of departure; and

‘‘(C) render any evidence of Deferred Mandatory Departure status at the time of departure.

‘‘(2) APPLICATION FOR READMISSION.—

‘‘(A) IN GENERAL.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any country outside of the United States, but may not be granted admission until the alien has departed from the United States in accordance with paragraph (2).

‘‘(B) ROYALTY.—The Secretary may approve an application under subparagraph (A) during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

‘‘(C) U.S.—VISIT.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien while in the United States may apply to depart from the United States at any land port of entry at which the U.S.—VISIT exit and entry system can process such alien for admission into the United States.

‘‘(D) INTERVIEW REQUIREMENTS.—Notwithstanding any other provision of law, any admission interview involving in-person interviews at a consulate of the United States shall be waived for aliens granted Deferred Mandatory Departure status under this section.

‘‘(E) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 shall not apply to any alien who is admitted as a nonimmigrant or immigrant with the alien having been granted Deferred Mandatory Departure status.

‘‘(f) TERMS OF STATUS.—

‘‘(1) REPORTING.—During the period of Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 274A.

‘‘(2) TRAVEL.—An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

‘‘(B) UNDER REGULATIONS ESTABLISHED BY THE SECRETARY OF HOMELAND SECURITY, AN ALIEN GRANTED DEFERRED MANDATORY DEPARTURE—

‘‘(i) MAY TRAVEL OUTSIDE OF THE UNITED STATES AND MAY BE READMITTED IF THE PERIOD OF DEFERRED MANDATORY DEPARTURE STATUS HAS NOT EXPIRED; AND

‘‘(ii) MUST SUBMIT AT THE TIME OF APPLICANTS FOR ADMittance FOR THE ALIEN TO BE ADMISSIBLE FOR ADmISSION UNDER SECTION 212.

‘‘(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, an alien shall be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

‘‘(B) THE ALIEN MAY BE DEEMED INELIGIBLE FOR PUBLIC ASSISTANCE BY A STATE (AS DEFINED IN TITLE 42 OF THE UNITED STATES CODE) OR ANY POLITICAL SUBDIVISION THEREOF WHICH FURNISHES SUCH ASSISTANCE.

‘‘(4) PROHIBITION OF CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

‘‘(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 244.

‘‘(2) ADJUSTMENT OF STATUS.—An alien may not apply for adjustment of status under this section until after the earlier of—

‘‘(A) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

‘‘(B) 8 years after the date of enactment of this section.

‘‘(1) APPLICATION FEE.—

‘‘(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

‘‘(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identity, locate, or remove illegal aliens and for an employment authorization and identity under section 286.

‘‘(3) STATE IMPACT ASSISTANCE FEE.—

‘‘(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien seeking a grant of Deferred Mandatory Departure status shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to the $75.00.

‘‘(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 2964.

‘‘(4) FAMILY MEMBERS.—

‘‘(1) IN GENERAL.—Subject to subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien while in the United States may apply for admission to the United States under Deferred Mandatory Departure status.
Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

(2) APPLICATION FEES.—

(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $600.

(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activity to identify, locate, or remove aliens who are removable under section 237.

(3) STATE IMPACT ASSISTANCE FEE.—

(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, the spouse and each child of an alien seeking Deferred Mandatory Departure status shall submit a State impact assistance fee equal to $100.

(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 245C(x).

(1) EMPLOYMENT.—

(I) In general.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status shall be employed in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has demonstrated to the State that he has reentered the United States. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien’s departure from the United States.

(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Internal Revenue Service, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

(1) CRIMINAL PENALTY.—

(A) VIOLATION.—It shall be unlawful for any person—

(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent any material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) to create or supply a false writing or document for use in making such an application.

(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 203.0(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right under subsection (b)(7)(C), other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1949, or cancellation of removal pursuant to section 240(a), any action for deportation or exclusion of that alien is removed against the alien subsequent to a grant of Deferred Mandatory Departure status.

(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notice of that determination, no court shall have jurisdiction to review—

(1) any judgment regarding the granting of a benefit under this section; or

(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

(r) JUDICIAL REVIEW.—

(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for judicial review is authorized under a subparagraph of this paragraph.

(2) CHALLENGES TO VALIDITY.—

(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.

(B) TABLE OF CONTENTS.—The table of contents (§ 8 U.S.C. 1101 et seq.), as amended by this subsection, shall include a reference to this subsection.

(3) CONFORMING AMENDMENT.—Section 245A(a)(2)(A)(vii) (§ 8 U.S.C. 1225(a)(2)(A)(vii)) is amended by inserting “(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)” after “imposed”.

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any right, benefit, or privilege that is legally enforceable by any party against the United States or its agencies or officers or any person.

(s) AUTOMATIC APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(1) CONSTRUCTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end,

(2) in subparagraph (C), by inserting “or” at the end,

(3) by inserting after subparagraph (C) the following:

“(D) whose status is adjusted to that of lawful permanent resident under section 245b of the Immigration and Nationality Act;”.

(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

(4) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this section as the ‘Program’), under which the Secretary may award grants to States to provide health education services to noncitizens in accordance with this paragraph.

(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amount deposited into the State Impact Assistance Account among the States as follows:

(1) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

(I) $5,000,000; or

(II) after adjusting for allocations under clause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States based on the most recent data available from the Bureau of the Census.

(2) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, such that each such State receives the percentage of the amount distributed under this clause that is equal to—

(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

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"(iii) LEGISLATIVE AUTHORIZATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

"(C) FUNDING FOR LOCAL GOVERNMENT.—

(i) DISTRIBUTION CRITERIA.—Grant funds received under this paragraph shall be distributed to units of local government based on need and function.

(ii) MINIMUM DISTRIBUTION.—Except as provided in (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receipt of such funds.

(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

(i) health care providers;

(ii) local educational agencies; and

(iii) charitable and religious organizations.

(E) STATE DEFINED.—In this paragraph, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands.

(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State’s proposed uses of the fund are consistent with (D).

(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to the States under the Program.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE. This subtitle may be cited as the “Agricultural Job Opportunities, Benefits, and Security Act of 2006” or the “AgJOBS Act of 2006.”

SEC. 612. DEFINITIONS. In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term “agricultural employment” means any service or activity that is considered to be agricultural employment under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 312(g) of the Internal Revenue Code of 1986 (26 U.S.C. 312(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(A)).

(2) BLUE CARD STATUS.—The term “blue card status” means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 63(a).

(3) EMPLOYER.—The term “employer” means any person or entity, including any farm labor contractor and any agricultural job opportunities provider, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term “job opportunity” means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a “temporary” basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term “United States worker” means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(A)).

(7) WORKDAY.—The term “workday” means any day in which the individual is employed 5.75 or more hours in agricultural employment.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date on which the alien is first determined eligible for status under this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an “employment authorization” or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subsection that the alien despairs of obtaining permanent resident status.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment of status to any alien who—

(i) the Secretary finds, by a preponderance of the evidence, that the alien has a criminal record;

(ii) has been convicted of any offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under paragraph (a) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status with the spouse and children of each such alien residing in the United States with a card that—

(A) contains a unique number; a printed name; biometric identifiers (such as fingerprints and a digital photograph); and

(B) provides security features designed to prevent tampering, counterfeiting, or duplication.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

SUBTITLE C—EMPLOYMENT OF ALIENS ADMITTED UNDER THIS SECTION

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment in the United States or otherwise provided status under section 101(a)(15)(H)(ii)(A) of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) TREATMENT OF COMPLAINTS.—

(1) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens admitted under this section.

(2) RESPONSIBILITY.—If the Secretary finds that a complaint has been filed in accordance with clause (1) and there is reasonable cause to believe that the complaint was filed in good faith, the Secretary shall initiate an investigation to determine whether there is reasonable cause to believe that the complaint was filed in good faith. The Secretary shall institute binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by the Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such binding arbitration proceedings. The arbitrator shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(3) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceedings in accordance with the policies and procedures
promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause, or for any other cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee upon receipt of 30 days notice. If the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration. The Secretary shall make a specific finding of the number of days or hours of work lost by the employee as a result of the employment termination. The Secretary shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY’S FEES.—The parties shall bear the cost of their own attorney’s fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee’s current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States in which the action was between the same or related parties or involved the same facts, except that the arbitral finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under subparagraph (A) shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(C) ADJUSTMENT TO PERMANENT RESIDENCE.

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(1) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 260 work days or 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 900 hours, but in no case less than 390 work days or 1,365 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (a)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the adjustment to permanent resident status, the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disabling medical record; or

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical record, or proof of other conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of a single misdemeanor for which the actual sentence served is not less than 6 months, or less than 12 months, if the actual sentence served is 1 year, or less than 2 years, if the actual sentence served is 2 years, and applied for adjustment of status within 5 years of release from prison.

(C) APPLICABLE FEDERAL TAX LIABILITY.—

(i) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of required employment referred to in subparagraph (A)(i). The Secretary shall make a determination for which the statutory period for assessment of any deficiency for such taxes has not expired.

(ii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to the Secretary in order to establish the payment of all taxes required by this subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applied for adjustment of status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF STATUS AND REMOVAL.—The Secretary may deny an alien status or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 230 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is not less than 6 months, or less than 12 months, if the actual sentence served is 1 year, or less than 2 years, if the actual sentence served is 2 years, and applied for adjustment of status within 5 years of release from prison.

(iv) APPLICATIONS.—

(A) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(i) applications for blue card status may be filed—

(A) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or other similar organization approved by the Board of Immigration Appeals under section 292 of title 8, Code of Federal Regulations; or

(B) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.
to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination under this section, or for enforcement of paragraph (7); (ii) make any publication whereby the information furnished by any particular individual can be identified; and
(iii) permit anyone else to access the information depicted by the Secretary in the form of a record maintained by the Secretary designated as an "Alien Employment File," which shall be maintained in accordance with paragraph (1)(A) of section 301 of the Immigration and Nationality Act (8 U.S.C. 1321–53 et seq.) shall not be construed to preclude the adjustment of status under this section.

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—Nothing in this paragraph shall be construed to permit the adjustment of status under subsection (a)(1)(C) or (a)(1)(H)(ii) for anyone who has been convicted of a crime that has resulted in the death of a person or that affects the safety of others.

(2) ELIGIBILITY FOR LEGAL SERVICES.—Sec-

A qualified designated entity shall provide the information furnished by an employer pursuant to the application, or any other information derived from the application, that is not available from any other source.

(3) CONSTRUCTION.—In the determination of an alien's eligibility for status under subsection (a)(1)(H)(ii) for services provided to such applicants.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall subject to a fine in an amount not to exceed $10,000.

(5) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—(A) CRIMINAL PENALTY.—Any person who—

(i) makes a determination required by this section shall be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien where such an alien was employed for periods exceeding 5 years, or both.

(ii) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(iii) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(i) ELIGIBILITY FOR LEGAL SERVICES.—Sec-

(2) ELIGIBILITY FOR LEGAL SERVICES.—Sec-

(A) NUMERICAL LIMITATIONS DO NOT APPLY.—Nothing in this paragraph shall be construed to permit the adjustment of status under subsection (a)(1)(C) or (a)(1)(H)(ii) for anyone who has been convicted of a crime that has resulted in the death of a person or that affects the safety of others.

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(i) makes a determination required by this section shall be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien where such an alien was employed for periods exceeding 5 years, or both.

(ii) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

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(2) ELIGIBILITY FOR LEGAL SERVICES.—Sec-

(A) NUMERICAL LIMITATIONS DO NOT APPLY.—Nothing in this paragraph shall be construed to permit the adjustment of status under subsection (a)(1)(C) or (a)(1)(H)(ii) for anyone who has been convicted of a crime that has resulted in the death of a person or that affects the safety of others.
(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien’s apprehension, the determination on the application has been made in accordance with this section, the alien—

(A) may not be deported; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPEAL.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) ADMINISTRATIVE APPEAL.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect upon the date of filing the application under this paragraph or, if applicable, upon the date of an application filed under paragraph (2) of subparagraph (B) of subsection (a) that is amended—

(1) in subparagraph (B)(i), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006;" and

"(E) by striking "1990." and inserting "1990.

(j) by inserting in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(T) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement, the employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ an H-2A worker.

(L) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment, the employer placed the nonimmigrant with another employer unless—

(A) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment, the employer placed the nonimmigrant with another employer unless—

(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is seeking an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

(C) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

(D) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed by the employer in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

(E) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ an H-2A worker.

(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

(H) EMPLOYMENT OF UNITED STATES WORKERS.—
The foreign worker who is in the job was
qualified United States worker who applies
ployer will provide employment to any
in this subclause shall require the employer
portunity on 'America's Job Bank' or other
ice of the State employment security agen-
ploy an H–2A worker in a temporary or sea-
immigrants are, sought and who will be
graph because the employer's need for H–2A
available at the time and place of need.
retained from employment for which the cer-
tifies in its application has or have agreed in
ition may file an application under sub-
tion of the period of employment for which
fruits of the period of employment for which
section to file an interstate job order under section
in the occupation at the place of intended
ployer employed during the previous season
employment for which the employer is ap-
in the receipt of the complaint, issue findings
ployer who withdraws an application
Secretary of Labor shall acknowledge in writing
pany an application under section 218E to the association may be
used for the certified job opportunities of
agricultural workers requested on the appli-
certifications granted under sub-
techniques to perform the agricultural services of a tem-
porary or seasonal nature for which the cer-
tifications were granted.
ployer may withdraw an application filed pursuant to sub-
sectors, wages, and working conditions that the
States workers no less than the same bene-
time, and date of need. The
ificated) of the applications filed under this
ploy a job offer with the local office of the State employment security agency.
Not later than 28 days before the date on which the employer desires to em-
ploy an H–2A worker in a temporary or sea-
sonal agricultural job opportunity, the em-
ployer shall submit a copy of the job offer,
described in paragraph (1), to the office of
the State employment security agency which
serves the area of intended employment
and authorizes the posting of the job offer
in the United States' Job Bank or other
electronic job registry, except that nothing
in this subclause shall require the employer
to file an interstate job order under section 653 of title 20, Code of Federal Regulations.
Advertizing job opportunities.
Not later than 14 days before the date on which the employer desires to em-
ploy an H–2A worker in a temporary or sea-
sonal agricultural job opportunity, the employer shall advertise the availability of the job opportuni-
ties for which the employer is seeking
workers in a publication in the local labor
market that is likely to be patronized by po-
tential farm workers.
Emergency Procedures.
The Secretary of Labor shall, by regulation, provide a
procedure for acceptance and approval of applications in which the employer has not com-
plied with the provisions of this subpara-
graph because the employer’s need for H–2A
workers could not reasonably have been fore-
seen.
Job offers.
The employer has of-
fered or will offer the job to any eligible
United States worker who applies and is
equally or better qualified for the job for
which the nonimmigrant is, or non-
immigrants are, sought and who will be
available at the time and place of need.
Emergency procedures.
The
ployer will provide employment to any
qualified United States worker who applies to
the employer during the period beginning on
the date of the receipt of the foreign worker
application and ending on the date on which 50
percent of the period of employment for which
the foreign worker is in the job was hired has elapsed, subject to the following requirements:
Prohibition.
No person or entity shall
willfully and knowingly hire or recruit
United States workers before the arrival of
H–2A workers in order to force the hiring of
United States workers under this clause.
Placing applications.
Before refer-
ing a United States worker
to an employer during the period de-
scribed in clause (I), the Secretary of Labor shall make all rea-
able efforts to place the United States
worker in an open job acceptable to the
employer and pending the employer's request
with the job service that offer similar job op-
portunities in the area of intended employ-
ment.
Statutory construction.
Nothing in
this subparagraph shall be construed to
prohibit an employer from using such legiti-
mate selection criteria relevant to the type of
job that are normal or customary to the
type of job involved so long as such criteria
are not applied in a discriminatory manner.
Applications by other agencies.
The
Secretary of Labor shall, by regulation, provide
for the hire of employees on the part of the
employer on 'America's Job Bank' or other
electronic job registry, except that nothing
in this subclause shall require the employer
to file an interstate job order under section
Preferential treatment of aliens.
Employers seeking to hire
United States workers shall offer the United
States workers no less than the same bene-
fits, wages, and working conditions that the
employer is offering; Federal law will not
prevent the employer from offering
higher wages or working conditions to
foreign workers.
Minimum benefits, wages, and work-
condition standards.
Except in cases where higher
benefits, wages, or working conditions are
required by the provisions of subsection (a), in order to protect similarly employed
United States workers from adverse effects
with respect to benefits, wages, and working
conditions, every job offer which shall ac-
company an application under section 218E
shall include the following:
Required to provide housing or a
housing allowance.
Any employer applying
under section 218E for H–2A workers shall
provision of housing or public accom-
modation.
Rental or public accommodate housing or other
meets applicable Federal standards for tem-
porary labor camps or secure housing that
meets applicable local standards for rental
housing to workers engaged in the range pro-
duction of livestock.
Family housing.
When it is the pre-
vailing practice in the occupation and area of
employment to provide family housing, family housing shall be provided to workers;
workers engaged in the range produc-
tion of livestock.
Limitation.
Nothing in this para-
graph will be construed to required the em-
ployer to provide or secure housing for per-
sons who were not entitled to such housing.
under the temporary labor certification regulations in effect on June 1, 1986.

"(F) Charges for housing.—

"(1) Charges for public housing.—If public housing is provided to migrant agri-

"(2) Reimbursement of transportation.—

"(A) To place of employment.—A worker who is provided with the opportuni-

"(B) From place of employment.—A worker who completes the period of em-

"(C) Limitation.—

"(i) Amount of reimbursement.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(ii) Distance traveled.—No reimbursement shall be made if the distance traveled is 100 miles or less, or if the transportation involved is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) Housing allowance as alternative.—

"(i) In general.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who does not make such an effort or who assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) Certification.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor.

"(iii) Amount of allowance.—

"(1) Nonmetropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) Metropolitan counties.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(3) Required wages.—

"(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation in the area of employment the prevailing wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c)(1)) or the applicable State minimum wage.

"(B) Limitation.—Effective on the date of the enactment of the Agricultural Labor Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) Required wages after 3-year period.—

"(1) First adjustment.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(i) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(ii) 4 percent.

"(2) Subsequent annual adjustments.—Beginning on the first March 1 that is more than 3 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(i) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(ii) 4 percent.

"(D) Deductions.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions that will be made by the employer which will make from the worker's wages.

"(E) Frequency of pay.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) Hours and earnings statements.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) Report on wage protections.—Not later than December 31, 2008, the Commissioner General of the United States shall prepare and transmit to the Secretary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise not have been paid if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be necessary to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating
the adverse effect wage rate and the prevailing wage rate; and
“(v) recommendations for future wage protection under this section.”

(II) REPRESENTATIVES OF AGRICULTURAL WAGE STANDARDS.

“(1) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H-2A program in this subparagraph referred to as the ‘Commission’.

“(2) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(a) 4 representatives of agricultural employers and 1 representative of the Department of Labor, each appointed by the Secretary of Agriculture.

“(b) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(3) FUNCTIONS.—The Commission shall conduct a study that shall address:

“(I) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States; and

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations; and

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment; and

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(4) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(V) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the number of hours specified in the job offer and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the week in which the job is stated in the job offer and shall exclude the worker’s Sabbath and federal holidays. If the employer affords the United States or H-2A worker less employment than is required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned had the worker worked for the greater number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer, when the work has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer) shall be counted on the worker’s Sabbath, or on Federal holidays, except for work performed in circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(C) ABANDONMENT OF EMPLOYMENT.—If the worker voluntarily terminates the contract before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘three-fourths guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer needed or for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, the employee may terminate the worker’s employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to notify the worker to other similar machines or equipment comparable employment acceptable to the worker. Where such transfer is not effected, the employer shall provide the return transportation required under subparagraph (D).

“(4) GUARANTEE OF EMPLOYMENT.—

“(a) Mode of transportation subject to coverage.—

“(I) in general.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used any vehicle to transport an H-2A worker within the United States.

“(ii) definition.—In this paragraph, the term ‘uses or causes to be used’—

“(A) Mode of Transportation Subject to Coverage.

“(ii) applies only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer; and

“(ii) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H-2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the worker’s own vehicles, specifically requested by the employer directly or through a farm labor contractor.

“(iii) clarifies that providing a job offer to an H-2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) Inclusion of machinery and equipment excluded.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, elevator, or other similar machinery or equipment by an H-2A employer to an H-2A worker, unless such machinery or equipment is used to transport an H-2A worker. If such transfer is not effected, the employer shall provide the return transportation required under subparagraph (D).

“(v) Common carriers excluded.—This subsection does not apply to common carrier machinery and equipment scrapping the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certificate of registration for such purposes from an appropriate Federal, State, or local agency.

“(B) Appliance of Standards, Licensing, and Insurance Requirements.

“(i) in general.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subsection applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 18(b)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811(b) and other applicable Federal and State safety standards; and

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) comply with an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, maintenance, or operation of any vehicle used to transport any H-2A worker.

“(ii) amount of insurance required.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(B) Applicability of Standards, Licensing, and Insurance Requirements.

“(i) in general.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subsection applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 18(b)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1811(b) and other applicable Federal and State safety standards; and

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) comply with an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, maintenance, or operation of any vehicle used to transport any H-2A worker.

“(ii) amount of insurance required.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(C) Effect of Workers’ Compensation Coverage.—If the employer of any H-2A worker provides workers’ compensation coverage for such worker in the case of bodily injury or death as provided by State law, the Secretary of Labor shall adjust the provisions of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of such employers if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employers for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(C) Compliance With Labor Laws.—An employer shall assure that, except as otherwise provided in this paragraph, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(D) Copy of Job Offer.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer’s application and job offer described in section 218(a), or, if the employer will require the worker to work under a separate employment contract covering the employment in question, such separate employment contract.

“(E) Range Production of Livestock.—Nothing in this section, section 218, or section 218F shall preclude the Secretary of Labor and the Secretary of Agriculture from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“(F) Procedure for Admission and Extension of Stay of H-2A Worker.—

“(a) Petitioning for Admission.—An employer, or an association acting as an agent or joint employer for its members, that desires the admission of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(b)(2)(B) covering the petitioner.

“(b) Expedited Adjudication by the Secretary.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7
working days shall, by fax, cable, or other means ensuring expeditious delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petition has indicated that the alien beneficially employed by the alien shall apply for a visa or admission to the United States.

‘‘(c) Criteria for Admissibility.—

‘‘(1) In General.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218E, and the alien is not ineligible under paragraph (2).

‘‘(2) Ineligible.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(A) if the alien has, at any time during the past 5 years—

(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien’s authorized period of admission under this section has expired; or

(B) otherwise violated a term or condition of admission into the United States as a non-immigrant alien or any term or condition of the authorized period of stay for which the alien has been determined to be admissible to the United States, including such 14-day period, may not exceed 10 months.

‘‘(3) Waiver of Ineligibility for Unlawful Presence.—

‘‘(A) In general.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence that complies with the requirements of authorized admission as such a non-immigrant.

‘‘(B) Replacement of alien.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

‘‘(C) Period of Admission.—

‘‘(1) In general.—The alien shall be admitted for the period of employment in the application form and certification that the alien is authorized to work in the United States under this section.

‘‘(2) Construction.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

‘‘(e) Abandonment of Employment.—

‘‘(1) In General.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(A) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker prior to the natural expiration of the alien’s authorized period of stay.

‘‘(2) Removal by the Secretary.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker’s nonimmigrant status.

‘‘(4) Voluntary Termination.—Notwithstanding standing paragraph (1), an alien may voluntarily terminate his or her employment if the alien then promptly departs the United States upon termination of such employment.

‘‘(f) Replacement of alien.—

‘‘(1) In general.—Upon presentation of the notice required by paragraph (c) of subsection (e), the Secretary shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible designated by the employer to replace an H–2A worker.

‘‘(2) Who abandons or prematurely terminates employment; or

‘‘(3) Employment eligibility document whose employment eligibility document, together with a copy of a petition for extension of stay or change in the alien’s authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 90 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

‘‘(4) Limitation on Employment Authorization of Aliens without Valid Identification and Employment Eligibility Document.—An expired identification and employment eligibility document, together with a copy of petition for extension of stay or change in the alien’s authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 90 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

‘‘(B) to a date that is more than 3 years after the date of the alien’s last admission to the United States under this section.

‘‘(5) Work Authorization Upon Filing a Petition for Extension of Stay.—

‘‘(A) In general.—An alien who is lawfully present in the United States at the time an application for the extension of stay is filed.

‘‘(B) Definition.—For purposes of subparagraph (A), the term ‘file’ means sending the petition described in paragraph (1) on the date of receipt of the petition.

‘‘(C) Handling of Petition.—The employer shall provide a copy of the employer’s petition to the alien; and the petition filed by the employer or an association acting as agent for the employer, shall notify the Secretary of the alien not later than 7 days after an H–2A worker promptly abandons his or her employment if the alien then promptly departs the United States upon termination of such employment.

‘‘(D) Approval of Petition.—Upon approval of a petition for a change in the alien’s authorized employment that complies with the requirements of paragraph (1) shall constitute a valid work authorization document for a period of not more than 90 days beginning on the date of receipt of the petition.

‘‘(E) Limitation on an Individual’s Stay in Status.—

‘‘(A) Maximum Period.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

‘‘(B) Requirement to Remain Outside the United States.—

‘‘(1) In General.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) is more than 10 months and who has not remained outside the United States for a continuous period equal to at least 1⁄5 the duration of the alien in the alien’s previous period of authorized status as an H–2A worker (including any extensions).

‘‘(3) Exception.—Clause (i) shall not apply in the case of an alien who resides outside the United States whose period of authorized status as an H–2A worker (including any extensions) is more than 10 months and who has not remained outside the United States for the alien’s previous period of authorized status as an H–2A worker (including any extensions).

‘‘(i) Special Rules for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(A) for employment as a sheepherder, goat herder, or dairy worker.

‘‘(i) may be admitted for an initial period of 12 months;
...
is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds for any costs incurred pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt."

"(2) COURT ACTION IN DISTRICT COURT BY AGERIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural or other temporary conditions; but the statute of limitations for bringing an action respecting an alleged violation of rights under this section shall be 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a) is still pending before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law. In the event of any contrary provision in a collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify any rights or remedies created by this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(a) If the court finds that the respondent has intentionally violated any of the rights or remedies of an H–2A worker under any other Federal or State law, it shall award actual damages, if any, or equitable relief under this subsection (b), it shall in any district court of the United States have jurisdiction of the parties, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(b) ELECTION.—An H–2A worker who has filed an administrative claim with the Secretary of Labor under this Act, not later than 3 years after the date of the violation, shall be valid for purposes of the enforcement of such section or any finding by the Secretary of Labor with an H–2A employer or other person, that the employee reasonably believes evidences a violation of section 218 or 218E or any rule or regulation pertaining to section 218 or 218E, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218E or any rule or regulation pertaining to either of such sections.

"(7) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employer, the term 'discrimination' includes any action, rule or regulation pertaining to either of such sections.

"(8) AUTHORITY TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files an administrative claim under subsection (c) and is otherwise eligible to remain in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(9) ROLES AND RESPONSIBILITIES.—

"(i) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as an agent of the employer shall be liable for such application, and for complying with the terms and conditions of sections 218 and 218E, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation applies only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or acquiesced in the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(ii) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an application filing an application as a sole or joint employer is determined to have committed a violation under this section, such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in, had knowledge of, reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"(ii) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The term 'agricultural employment' means any nonimmigrant classification to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or any other classification for agricultural laborer that (i) the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(A).

"(ii) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term includes any organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(iii) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means layoff of 1 or more H–2A workers by an employer, means layoff, discharge, layoff or discharge, or in any other manner discriminate against an employer, the term 'discrimination' includes any action, rule or regulation pertaining to either of such sections.

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“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer, or another employer, the employment of a worker with another employer under section 218(b)(2)(E), with either employer described in such section at equivalent or higher compensation than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.”

“(3) Temporarily.—A worker is employed on a "temporary" basis where the employment is not expected to last more than 10 months.

“(4) United States worker.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien who is authorized to work in the job opportunity within the United States for an alien who otherwise would not be authorized to work under a different basis.

“(5) the number of such aliens whose status was adjusted under section 212(a)(15)(H)(ii)(a).”

(b) TABLE OF CONTENTS.—The table of contents (§ 1101 et seq.) is amended—

“(1) by striking the item relating to section 218 and inserting the following:—

“Sec. 218. H-2A employer applications”

“(2) by inserting after the item relating to section 218D, as added by section 601 of this Act, the following:

“Sec. 218D. Procedure for admission and extension of stay of H-2A workers

“(3) by striking the table of contents (8 U.S.C. 1101 et seq.)”

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection schedule of fees for the employment of aliens under this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(b) PROCEDURE.—(1) In general.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(2) Notice and comment.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) Use of fees.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218F of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of Labor and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary of Labor on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218E, 218F, and 218G of the Immigration and Nationality Act, as added by section 615 of this Act, shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have already been approved to subsection 218F(c)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218F(c)(2) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a); and

(5) the number of such aliens whose status was adjudicated under subsection 218F(c)(2), and the number of such aliens who were approved for permanent resident pursuant to section 613(c); and

(6) the number of such aliens who were approved for permanent resident pursuant to section 613(c).

SEC. 619. EFFECTIVE DATE.

(a) In general.—Except as otherwise provided, sections 615 and 616 shall take effect 1 year after the date of the enactment of this Act.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this subtitle.

Subtitle C—DREAM Act

SEC. 621. SHORT TITLE.

This subtitle may be cited as the “Development, Relief, and Education for Alien Minors Act of 2006” or the “DREAM Act of 2006.”

SEC. 622. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ‘‘uniformed services” has the meaning given that term in section 101(a)(10) of title 10, United States Code.

SEC. 623. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In general.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1225d) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 624. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

In general.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may cancel removal of, and adjust to the status of an alien lawful permanent resident, subject to the conditional basis described in section 265, an alien who is inadmissible or deportable from the United States, if the alien—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application; and

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(D), (6)(E), (6)(F), (6)(G), or section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the alien was approved for permanent residence pursuant to section 212(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (D) or paragraph (9) of such subsection, the alien was under the age of 16 years at the time the alien was admitted for permanent resident status under section 212(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the alien was approved for permanent resident status under section 212(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or, if inadmissible solely under subparagraph (D) or paragraph (9) of such subsection, the alien was under the age of 16 years at the time the alien was approved for permanent resident status under section 212(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).
SEC. 625. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In general.

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 626, an alien whose status has been adjusted under section 624 to that of an alien lawfully admitted for permanent residence and to be in the United States as a lawful permanent resident on a conditional basis under this section, the permanent resident status shall be considered to have obtained such status on a conditional basis subject to the provisions of this section, the permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under this section, the Secretary shall provide notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis terminated.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph shall not give rise to any private right of action against the Secretary.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under this section to have the conditional basis and which provides, under the Secretary's discretion, remove the conditional permanent resident status of the alien as of the date of the determination.

(2) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis of permanent resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this subtitle.

(d) DETAILS OF PETITION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis for lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status in the United States during the period in which the petition is pending.

(e) REGULATIONS.—

(Federal Register)
SEC. 630. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that an alien filing an application under this subtitle will be considered on an expedited basis and without a requirement for the payment of any additional fee, if that alien is a resident alien who has been physically present in the United States for at least a continuous period of 180 days and is otherwise eligible for adjustment of status under section 626(a)(1); and  

(b) Stay of Removal. — The Attorney General shall stay the removal proceedings of any alien who—  

(i) files an application under paragraphs (A), (B), (C), and (D) of section 629(a)(1);  

(ii) is enrolled full time in a primary or secondary school; or  

(iii) is enrolled in a program of instruction at a higher education institution.  

(c) Employment. — An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.  

(d) Lift of Stay. — The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—  

(i) is no longer enrolled in a primary or secondary school; or  

(ii) ceases to meet the requirements of subsection (b)(1).  

SEC. 629. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly makes any false or fraudulent statement, representation, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing that the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.  

SEC. 629A. CONFIDENTIALITY OF INFORMATION.

(a) Prohibition. — No officer or employee of the United States may—  

(1) disseminate information furnished by the applicant pursuant to an application filed under this subtitle to initiate removal proceedings against any person identified in the application;  

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this subtitle can be identified; or  

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this subtitle with a designated entity, that designated entity, to examine applications filed under this subtitle.  

(b) Required Disclosure. — The Attorney General or his or her designee shall provide the information furnished under this section, and any other information derived from such furnished information, to—  

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or  

(2) an official coroner for purposes of affirming the death of a deceased individual (whether or not such individual is deceased as a result of a crime).  

(c) Penalty. — Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.  

SEC. 641. INELIGIBILITY AND REMOVAL PRIOR TO TITLE VI.

(a) Limitations on Ineligibility. —  

(1) In General. — An alien is not ineligible for an immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of chapter 79 of title 8 of the United States Code during the period beginning on the date of the enactment of this Act and ending on the date that the Department of Homeland Security begins accepting applications for benefits under title VI.  

(b) Prosecution. — An alien who commits a violation of section 1543, 1544, or 1546 during the period beginning on the date of the enactment of this Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien’s application for such benefit is denied.  

(2) Limitation on Removal. — If an alien who is apprehended prior to the beginning of the applicable application period described in a provision of this title, or an amendment made by this title, is able to establish prima facie eligibility for an adjustment of status under such a provision, the alien may not be removed from the United States for any reason until the date that is 180 days after the first day of such applicable application period described in paragraphs (1) or (2) of this section.  

(3) Prohibitions on Removal. — The term “Oath of Allegiance” means the binding oath or affirmation of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(e) of the Immigration and Nationality Act, as added by subsection (b)(1)(B).

SEC. 642. GRANTS TO SUPPORT PUBLIC EDUCATION AND VOTER REGISTRATION TRAINING.

(a) Grants Authorized. — The Assistant Attorney General, Office of Justice Programs, may award grants to qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding the requirements of such grants made by this Act and the amendments made by this Act.  

(b) Use of Funds. — Grants awarded under this section shall be used to—  

(A) for public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by the grantee in providing services related to this Act; and  

(B) to educate, train, and support non-profit organizations, immigrant, and other interested parties regarding the Act and the amendments made by this Act and on matters related to its implementation.  

SEC. 631. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjudicates status to that of a lawful permanent resident under this subtitle shall be eligible for all of the requirements under such title IV:  

(1) Student loans under parts B, D, and E of title IV (20 U.S.C. 1071 et seq., 1091a et seq., 1087a et seq.), subject to the requirements of such parts;  

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part;  

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.  

SEC. 632. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—  

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status after section 624(a);  

(2) the number of aliens who applied for adjustment of status under section 624(a);  

(3) the number of aliens who were granted adjustment of status under section 624(a);  

(4) the number of aliens whose conditional permanent resident status was removed under section 625.  

Subtitle D—Programs To Assist Nonimmigrant Workers  

SEC. 641. INELIGIBILITY AND REMOVAL PRIOR TO TITLE VI.

(a) LIMITATIONS ON INELIGIBILITY. —  

(1) IN GENERAL. — An alien is not ineligible for an immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of chapter 79 of title 8 of the United States Code during the period beginning on the date of the enactment of this Act and ending on the date that the Department of Homeland Security begins accepting applications for benefits under title VI.  

(b) Prosecution. — An alien who commits a violation of section 1543, 1544, or 1546 during the period beginning on the date of the enactment of this Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien’s application for such benefit is denied.  

(2) LIMITATION ON REMOVAL. — If an alien who is apprehended prior to the beginning of the applicable application period described in a provision of this title, or an amendment made by this title, is able to establish prima facie eligibility for an adjustment of status under such a provision, the alien may not be removed from the United States for any reason until the date that is 180 days after the first day of such applicable application period described in paragraphs (1) or (2) of this section.  

(b) Required Disclosure. — The Attorney General or his or her designee shall provide the information furnished under this section, and any other information derived from such furnished information, to—  

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or  

(2) an official coroner for purposes of affirming the death of a deceased individual (whether or not such individual is deceased as a result of a crime).  

(c) Penalty. — Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.  

SEC. 642. GRANTS TO SUPPORT PUBLIC EDUCATION AND VOTER REGISTRATION TRAINING.

(a) Grants Authorized. — The Assistant Attorney General, Office of Justice Pro-
to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required for the study of the English language in which the legal resident is enrolled.

(C) APPLICATION.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) PRIORITY.—If insufficient funds are available for the purposes of this subsection, the Chief shall give priority based on the financial need of the applicants.

(E) Notice.—The Secretary, upon relevant registration with the Chief of the Bureau, shall notify such legal resident that such resident is eligible for such grants.

(F) Definition.—For purposes of this subsection, the term ‘legal resident’ means a lawful permanent resident or a lawfully admitted alien who, in order to adjust status to that of a lawful permanent resident must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to acquire such knowledge of the English language.

(2) Faster Citizenship for English Fluency.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

'(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, that the resident is eligible for a grant under this section shall receive a competitive grant to provide classes in—

(i) an English language immersion program to promote the integration of prospective citizens into American society;

(ii) civics courses, with a specific emphasis on attachment to the Constitution of the United States; and

(iii) American military history and the principles of the Constitution of the United States; and

(b) English as a second language classes for legal residents who declare an intent to apply for United States citizenship.

(2) Dedicated Funding.—(A) in general.—Not less than 1.5 percent of the grant funds available under this section shall be granted to the Bureau of Citizenship and Immigration Services.

(b) Johnston—In general.—Not less than 2 percent of the grant funds available under this section shall be granted to the Bureau of Citizenship and Immigration Services for the purpose of—

(i) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(ii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(iii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(iv) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(v) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(vi) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(vii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(viii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(ix) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(x) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xi) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xiii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xiv) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xv) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xvi) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xvii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xviii) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xix) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(xx) providing English language instruction to legal residents who declare an intent to apply for United States citizenship;

(2) Reporting Requirement.—(A) in general.—The Chief of the Office of Citizenship, in consultation with the Secretary of Homeland Security, shall report to Congress on the results of the grant program.

(B) Timeframe.—The grant program and the report required under paragraph (A) shall begin within 2 years of the date of enactment of this Act and shall continue for 5 years.

(3) Savings Provision.—Nothing in this subsection shall be construed to—

(A) limit the obligations of the Secretary of Homeland Security under section 322(b) of the Immigration and Nationality Act (8 U.S.C. 1423(b)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(4) American Citizenship Grant Program.—

(1) In general.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship to promote the patriotic integration of prospective citizens into American society; and

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the history of American history (including military history), and the meaning of the Oath of Allegiance; and

(C) the provision of funds to the Chief of the Office of Citizenship to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States and the well being and happiness of the people of the United States; and

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the period covered by the report and the amount of funding received by each such entity; and

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the history and meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section;

(3) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) Funding for the Office of Citizenship.—(1) Authorization.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship and Immigration Services Office of Citizenship under this subsection as the ‘Foundation’, an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) Dedicated Funding.—(A) in general.—Not less than 1.5 percent of the grant funds available under this section shall be granted to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) Sense of Congress.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) Gifts.—(A) To Foundation.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) To Office.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

(5) Restriction on Use of Funds.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize, support, or in any way promote political activism or advocacy.

(g) Reporting Requirement.—(1) In general.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the House of Representatives.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the period covered by the report and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the history and meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) Oath or Affirmation of Renunciation and Allegiance.—

(1) Revision of Oath.—Section 337 (8 U.S.C. 1448b) is amended—

(A) in subsection (a), by striking ‘under section 310(b) an oath’ and all that follows that section and inserting ‘under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)’; and

(B) by adding at the end the following:

'(c) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: ‘I do solemnly swear, or affirm, that the taking of the oath prescribed in paragraph (1)—

'(A) with the term ‘oath’ included, the term ‘affirmation’ shall be substituted for the term ‘oath’; and

'(B) with the phrase ‘so help me God’ included, the phrase ‘so help me God’ shall be omitted.

'(d) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief (or other personal moral code)—

'(1) has taken a religious training and belief (or other personal moral code) that such person, by reason of religious training and belief (or other personal moral code)—

'(2) does not include essentially political, sociological, or philosophical views or a merely personal moral code;

'(3) takes the oath prescribed in this paragraph (1) in good faith and with the sincere purpose of becoming a citizen of the United States; and

'(4) As used in this subsection, the term ‘religious training and belief (or other personal moral code)—

'(d) History and Government Test.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(3) Notice to Foreign Embassies.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) Expiration of New Citizens Award Program.—(1) Establishment.—There is established a new citizens award program to recognize citizens for—

(A) have made an outstanding contribution to the United States;
(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is author-
tized to present a medal, in recognition of
outstanding contributions to the United
States, to citizens described in paragraph (1).

(B) MAXIMUM NUMBER OF AWARDS.—Not
more than 50 medals may be awarded under this
subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary
of the Treasury shall strike a medal with suit-
able emblems, devices, and inscriptions, to
be determined by the President.

(4) NATIONAL MEDALS.—The medals struck
pursuant to this subsection are national medals
as defined in chapter 51 of title 31, United States
Code.

(5) NATURALIZATION CEREMONIES.—

(1) IN GENERAL.—The Secretary, in con-
sultation with the Director of the National
Park Service, the Archivist of the United
States, and other appropriate Federal offi-
cials, shall develop and implement a strat-
ey to enhance the public awareness of natu-
ralization ceremonies.

(2) VENUES.—In developing the strategy
under this subsection, the Secretary shall
consider the use of outstanding and historic
locations as venues for select naturalization
ceremonies.

(3) REPORTING REQUIREMENT.—The Secre-
tary shall submit an annual report to Con-
gress that includes—

(A) the content of the strategy developed
under this subsection; and

(B) the progress made towards the imple-
mentation of such strategy.

SEC. 644. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2),
any alien who receives any immigration ben-
efit under this title, or the amendments
made by this title, or the amendments
made under chapter 51 of title 31, United
States Code, shall pay a fee in addition to
an amount equal to $500, in addition to other
applicable fees and penalties imposed under
this title, or the amendments made by this
title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—

No fee may be collected under this section
except to the extent that the expenditure of
the fee pursuant to this subsection is providing
funds as may be necessary to carry out this
section, as described in subsection (b), is provided for in
an appropriations Act.

(b) DEPARTMENT OF JUSTICE.—

(1) DEPOSIT.—Amounts collected under sub-
section (a) shall be deposited as an offsetting
collect in, and credited to, the accounts
provided for in title 5, United States
Code.

(A) to carry out the apprehension and de-
tention of any alien who is inadmissible by
reason of any offense described in section
212(a);

(B) to carry out the apprehension and de-
tention of any alien who is deportable for
any offense under section 237(a);

(C) for construction projects in support of
the United States Customs and Border
Protection;

(F) to train Federal law enforcement
personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts depos-
ited under paragraph (1) shall remain avail-
able until expended for the activities and
services described in paragraph (1).

SEC. 645. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Congress finds the fol-
lowing:

(1) There is a strong correlation between
economic freedom and economic prosperity.

(2) Trade policy, fiscal burden of govern-
ment, government intervention in the econ-
omy, monetary policy, capital flows and for-
eign investment, banking and finance, wages
and productivity, and the norms for institu-
tional performance and informal market activity are key factors in economic freedom.

(3) Poverty in Mexico, including rural pov-
erty, can be mitigated through increased
economic freedom within Mexico.

(4) Strengthened economic freedom in Mex-
ico can be a major influence in mitigating il-
legal migration patterns.

(5) Advancing economic freedom within
Mexico is an important part of any compre-
henive plan to understanding the sources
and causes of illegal migration patterns and the path to economic pros-
perity.

(b) GRANT AUTHORIZED.—The Secretary of
State may award a grant to a land grant uni-
versity in the United States to establish a
national program for a broad, university-
based Mexican rural poverty mitigation pro-
gram.

(c) FUNCTIONS OF MEXICAN RURAL POVERTY
MITIGATION PROGRAM.—The program estab-
lished pursuant to subsection (b) shall—

(1) match a university in the United
States with the lead Mexican public
university in each of Mexico’s 31 states to
provide state-level coordination of rural pov-
ty programs at the local, national, and inter-
national level; and

(2) establish a network of Mexican uni-
ders’ offices to the United States and
universities in Mexico to address the issue of rural poverty in Mex-
ico.

(3) establish and coordinate relationships
with key leaders in the United States and
Mexico to explore the effect of rural pov-
ty on illegal immigration of Mexicans into
the United States; and

(4) establish administration and border secu-
rity concerns that affect the global econ-
national approach for long-term institu-
tional change.

(d) USE OF FUNDS.—The Secretary shall,
subject to the availability of appro-
priations for which funds were made available during the preceding fiscal year,

(1) use for education, training, technical as-
sistance, and any related expenses (including
personnel and equipment) incurred by the
grantee in implementing a program de-
scribed in subsection (a); and

(2) use for personnel and equipment) incurred by the
grantee in implementing a program de-
scribed in subsection (a); and

(3) use for personnel and equipment) incurred by the
grantee in implementing a program de-
scribed in subsection (a); and

(4) increase by not less than 10 the
number of positions for personnel to support
the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the pre-
ceding fiscal year.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the
Attorney General for each of the fiscal
years 2007 through 2011 such sums as may be
necessary to carry out this subsection, in-
cluding the hiring of necessary support staff.

CHAPTER 1—APPEALS AND REVIEW

SEC. 701. APPEALS AND REVIEW PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) THIAL ATTORNEYS.—In each of fiscal
years 2007 through 2011, the Secretary shall,
subject to the availability of appropriations for such purpose, increase the number of po-
sitions for attorneys in the Office of General
Counsel who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made avail-
able during each preceding fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the
Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to car-
ry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) LITIGATION ATTORNEYS.—In each of fis-
cal years 2007 through 2011, the Attorney
General shall, subject to the availability of
appropriations for such purpose, increase by
not less than 50 the number of attorneys in the
Attorney General’s office to lit-
igate immigration cases in the Federal
courts.

(2) IMMIGRATION JUDGES.—In each of fiscal
years 2007 through 2011, the Attorney Gen-
eral shall, subject to the availability of
appropriations for such purpose—

(A) increase by not less than 10 the
number of positions for personnel to support
the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the pre-
ceding fiscal year.

(3) STAFF ATTORNEYS.—In each of fiscal
years 2007 through 2011, the Attorney Gen-
eral shall, subject to the availability of
appropriations for such purpose—

(A) increase by not less than 10 the
number of positions for personnel to support the
staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the pre-
ceding fiscal year.

(4) BOARD OF IMMIGRATION APPEALS.

(a) COMPOSITION AND APPOINTMENT.—Not-
withstanding any other provision of law, the
Board of Immigration Appeals of the Depart-
ment of Justice (referred to as the “Board”), shall be comprised of a Chair and
22 other immigration appeals judges, who
shall be appointed by the Attorney Gen-
eral. Upon the expiration of a term of office,
a Board member may continue to act until a
successor has been appointed and qualified.

(b) QUALIFICATIONS.—Each member of the
Board, including the Chair, shall—

(1) be an attorney in good standing of a bar
of a State or the District of Columbia;

(2) have at least—

(A) 5 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise
in immigration and nationality law; and

(c) APPOINTMENT REQUIREMENTS.—In each of fiscal
years 2007 through 2011, there are author-
ized to be appropriated to the Attorney
General for each of the fiscal
years 2007 through 2011, such sums as may be
necessary to carry out this subsection, in-
cluding the hiring of necessary support staff.
(c) DUTIES OF THE CHAIR.—The Chair of the Board, subject to the supervision of the Director of the Executive Office for Immigration Review, shall—
(1) be the presiding officer of the Board; and to the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be necessary for that purpose; (2) direct, supervise, and establish internal operating procedures and policies of the Board; (3) designate a member of the Board to act as Chair if the Chair is absent or unavailable; (4) adjudicate cases as a member of the Board; (5) form 3-member panels as provided by subsection (g); and (6) direct that a case be heard en banc as provided by subsection (h); and shall—
(1) exercise such other authorities as the Director may provide.
(d) BOARD MEMBERS DUTIES.—In deciding a case before the Board, the Board—
(1) shall exercise independent judgment and discretion; and (2) may take any action that is appropriate and necessary for the disposition of such case consistent with the authority provided in this section and any regulations established in accordance with this section.
(e) JURISDICTION.—
(1) IN GENERAL.—The Board shall have jurisdiction to hear appeals described in section 1003.1(b) of title 8, Code of Federal Regulations (or any corresponding similar regulation).
(2) LIMITATION.—The Board shall not have jurisdiction to hear an appeal of a decision of an immigration judge for an order of removal entered in absentia.
(f) SCOPE OF REVIEW.—
(1) FINDINGS OR FACT.—The Board shall—
(A) accept findings of fact determined by an immigration judge, including findings as to the credibility of testimony, unless the findings are clearly erroneous; and (B) give due deference to an immigration judge’s application of the law to the facts.
(2) QUESTIONS OF LAW.—The Board shall review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of immigration judges.
(3) APPEALS FROM OFFICERS’ DECISIONS.—
(A) STANDARDS OF REVIEW.—The Board shall review each question arising in appeals from decisions issued by officers of the Department.
(B) PROHIBITION OF FACT FINDING.—Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board may not engage in fact-finding in the course of deciding appeals.
(C) REMAND.—A party asserting that the Board cannot properly resolve an appeal without further fact-finding shall file a motion for remand. If further fact-finding is needed in a case, the Board shall remand the proceeding to the immigration judge or, as appropriate, to the Secretary.
(g) PANELS.—
(1) IN GENERAL.—Except as provided in paragraph (5) all cases shall be subject to review by a 3-member panel. The Chair shall divide the Board into 3-member panels and designate a presiding member.
(2) AUTHORITY.—Each panel may exercise the appropriate authority of the Board that is necessary for the disposition of cases before the Board.
(h) QUORUM.—Two members appointed to a panel shall constitute a quorum for such panel.
(4) CHANGES IN COMPOSITION.—The Chair may from time to time make changes in the composition of a panel and of the presiding member of a panel.
(5) PRESIDING MEMBER DECISIONS.—The presiding member of a panel may act alone on any motion as provided in paragraphs (2) and (3) of subsection (i) and may not otherwise dismiss or determine an appeal as a single Board member.
(b) ES B rootView.—
(1) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chair—(A) consider any case as the full Board en banc; or (B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.
(2) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.
(1) DECISIONS OF THE BOARD.—
(1) APPEARANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if—
(A) the decision of the immigration judge resolved all issues in the case; (B) the immigration judge’s opinion was squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation; (C) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and (D) the Board approves both the result reached in the decision below and all of the reasoning of that decision.
(2) SUMMARY DISMISSAL OF APPEALS.—The Board may dismiss an appeal—
(A) the party seeking the appeal fails to specify the reasons for the appeal; (B) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding; (C) the appeal is from an order that granted such party the relief that had been requested; (D) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; (E) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law; (3) UNOPPOSED DISPOSITIONS.—The 3-member panel or the presiding member acting alone may—
(A) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or (B) adjudicate a motion to remand any appeal—(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration; (ii) if remand is required because of a defective or missing transcript; or (iii) if remand is required for any other procedural or merits issue.
(4) NOTICE OF RIGHT TO APPEAL.—The decision by the Board shall include notice to the alien of the alien’s right to file a petition for review in the United States Court of Appeals not later than 30 days after the date of the decision.
SEC. 703. IMMIGRATION JUDGES.
(a) APPOINTMENT OF IMMIGRATION JUDGES.—(1) The Chief Immigration Judge (as described in section 1003.9 of title 8, Code of Federal Regulations, or any corresponding similar regulation) and other immigration judges shall be appointed by the Attorney General. Upon the expiration of a term of office, the immigration judge may continue to serve until a successor has been appointed and qualified.
(b) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney of standing of a bar of a State or the District of Columbia and shall have at least 5 years of professional, legal expertise or at least 3 years professional or legal expertise in immigration and nationality law.
(b) JURISDICTION.—An immigration judge shall have the authority to hear matters related to any removal proceeding pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) described in section 1240.1(a) of title 8, Code of Federal Regulations (or any corresponding similar regulation).
(c) DUTIES OF IMMIGRATION JUDGES.—In deciding a case, an immigration judge—
(1) shall exercise independent judgment and discretion; and (2) may take any action that is appropriate and necessary for the disposition of such case consistent with the authority provided in this section and regulations established in accordance with this section.
(c) REVIEW.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.
SEC. 704. REMOVAL AND REVIEW OF JUDGES.
No immigration judge or member of the Board may be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by this chapter.
SEC. 705. LEGAL ORIENTATION PROGRAM.
(a) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate the legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide information on a nationwide basis.
(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.
SEC. 706. REGULATIONS.
Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this subtitle.
SEC. 707. GAO STUDY ON THE APPELLATE PROCESS FOR IMMIGRATION APPEALS.
(a) IN GENERAL.—The Comptroller General of the United States shall, not later than 180 days after enactment of this Act, conduct a study on the appellate process for immigration appeals.
(b) REQUIREMENTS.—In conducting the study under subsection (a), the Comptroller General shall consider the possibility of consolidating all appeals from the Board of Immigration Appeals and habeas corpus petitions in immigration cases into 1 United States Court of Appeals by—
(1) consolidating all such appeals into an existing circuit court, such as the United States Court of Appeals for the Federal Circuit; (2) consolidating all such appeals into a centralized appellate court consisting of active circuit court judges temporarily assigned from the various circuits, in a manner similar to the Foreign Intelligence Surveillance Court or the Temporary Emergency Court of Appeals; or (3) implementing a mechanism by which a panel of active circuit court judges shall have the authority to reassign such appeals
from circuits with relatively high caseloads to circuits with relatively low caseloads.

(c) **Factors To Consider.**—In conducting the study under subsection (a), the Comptroller General shall consult with the Attorney General, the Secretary of State, and the Judicial Conference of the United States, and shall consider—

(1) the resources needed for each alternative, including judges, attorneys and other support staff, case management techniques including electronic requirements, physical infrastructure, and other procedural and logistical issues as appropriate;

(2) the impact of each plan on various circuits, including their caseload in general and caseload per panel; and

(3) the possibility of utilizing case management techniques to reduce the impact of any consolidation option, such as requiring certificates of reviewability, similar to procedures for habeas and existing summary dismissal procedures in local rules of the courts of appeals;

(4) the effect of reforms in this Act on the ability of the circuit courts to adjudicate such appeals;

(5) potential impact, if any, on litigants; and

(6) other reforms to improve adjudication of immigration matters, including appellate review of deportation and reconsideration and attorney fee awards with respect to review of final orders of removal.

SEC. 708. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, as amended by striking “Northern Mariana Islands” the first place it appears and inserting “Northern Mariana Islands, including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title.”.

**Subtitle B—Citizenship Assistance for Members of the Armed Services**

**SEC. 711. SHORT TITLE.**

This subtitle may be cited as the “Kendell Frederick Citizenship Assistance Act”.

**SEC. 712. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.**

Notwithstanding any other provision of law or any regulation, the Secretary shall issue the certificates of naturalization to any individual at the time the individual enlists in the Armed Forces to satisfy any requirement for fingerprints as part of an application for naturalization of such individual.

(1) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440); and

(2) was fingerprinted in accordance with the requirements of the Department of Defense at the time the individual enlisted in the Armed Forces; and

(3) submits an application for naturalization, and the Secretary, regardless of whether the Secretary determines that such application is complete, through the final disposition of such application. Such report shall include a description of—

(1) the methods of the Secretary to prepare, handle, and adjudicate such applications;

(2) the effectiveness of the chain of authority, supervision, and training of employees of the Government entities including contract employees, who have any role in the process or adjudication; and

(3) the ability of the Secretary to use technology to facilitate or accomplish any aspect of such process or adjudication.

(b) **IMPLEMENTATION.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on the implementation of this subtitle by the Secretary, including studying any technology that may be available to improve the efficiency of the naturalization process for members of the Armed Forces.

(2) **REPORT.**—Not later than 180 days after the date the Comptroller General submits the report required by subsection (a), the Comptroller General shall submit to the appropriate congressional committees a report on the study required by paragraph (1). The report shall include any recommendations of the Comptroller General for improving the implementation of this subtitle by the Secretary.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

**Subtitle C—State Court Interpreter Grant Program**

**SEC. 721. SHORT TITLE.**

This subtitle may be cited as the “State Court Interpreter Grant Program Act”.

**SEC. 722. FINDINGS.**

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency are comprehended in official proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required for interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency; and

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreter programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

**SEC. 723. STATE COURT INTERPRETER PROGRAM.**

(a) **GRANTS AUTHORIZED.**—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the “Administrator”) shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to provide court interpreters to assist individuals with limited English proficiency; and

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 724 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this subtitle.

(b) **USE OF GRANTS.**—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the
court interpreter program developed under paragraph (2); and
(6) engage in other related activities, as prescribed by the Attorney General.

(c) grant—
(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator, at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.
(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—
(A) an identification of each State court in that State which would receive funds from the grant;
(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and
(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—
(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 724, the Administrator shall allocate $100,000 to the highest State court of each State, which has an application approved under subsection (c).

(2) ADDITIONAL ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 724, the Administrator shall allocate a total of $5,000,000 to the highest State court of each State, that has extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) TO STATE COURTS IDENTIFIED UNDER PARAGRAPH (1) ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, court identified under subparagraph (A) of paragraph (2), an amount equal to the product reached by multiplying—
(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 724; and
(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under subparagraph (A) of section 724.

(4) DIVERSITY OF STATES.—The highest State court of each State that has an application approved shall be entitled to an additional allotment equal to any dollar amount that is determined by the Bureau of the Census.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this subtitle.

Subtitle D—Border Infrastructure and Technology Modernization
SEC. 731. SHORT TITLE.

This subtitle may be cited as the “Border Infrastructure and Technology Modernization Act”.

SEC. 732. DEFINITIONS.

In this subtitle:

(2) MAQUILADORA.—The term “maquiladora” means an entity located in Mexico that assembles and produces goods for export to the United States.

(3) NORTHERN BORDER.—The term “northern border” means the international border between the United States and Mexico.

(4) SOUTHERN BORDER.—The term “southern border” means the international border between the United States and Canada.

SEC. 733. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 1 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure that is set out in the joint explanatory statement in the conference report accompanying H.R. 608 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) COMMISSIONER.—In consultation with the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall include—
(1) an inventory of port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;
(2) include the projects identified in the National Land Border Security Plan required by section 734; and
(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—
(A) fulfill immediate security requirements;
(B) facilitate trade across the borders of the United States;

SEC. 734. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop a plan to improve supply chain security.

(b) VULNERABILITY ASSESSMENT.—
(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) IN preparing the plan required in subsection (a), the Secretary shall test and evaluate new port of entry technologies and technology improvement projects described in paragraph (1) of section 733.

SEC. 735. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS–TRADE PARTNERSHIP AGAINST TERRORISM.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Commissioner, shall develop a plan to expand the size and scope, including personnel, of the Customs–Trade Partnership Against Terrorism programs along the northern border and southern border, including—
(A) the Business Anti-Smuggling Coalition;
(B) the Carrier Initiative Program;
(C) the Americas Counter Smuggling Initiative;
(D) the Container Security Initiative;
(E) Critical Infrastructure and Key Assets Protection Program; and
(F) other Industry Partnership Programs administered by the Commissioner.

SEC. 736. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

SEC. 737. ADDITIONAL ALLOTMENT.

SEC. 738. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

SEC. 739. ADDITIONAL ALLOTMENT.

SEC. 740. ADDITIONAL ALLOTMENT.

SEC. 741. ADDITIONAL ALLOTMENT.

SEC. 742. ADDITIONAL ALLOTMENT.

SEC. 743. ADDITIONAL ALLOTMENT.

SEC. 744. ADDITIONAL ALLOTMENT.

SEC. 745. ADDITIONAL ALLOTMENT.

SEC. 746. ADDITIONAL ALLOTMENT.

SEC. 747. ADDITIONAL ALLOTMENT.

SEC. 748. ADDITIONAL ALLOTMENT.

SEC. 749. ADDITIONAL ALLOTMENT.

SEC. 750. ADDITIONAL ALLOTMENT.

SEC. 751. ADDITIONAL ALLOTMENT.

SEC. 752. ADDITIONAL ALLOTMENT.

SEC. 753. ADDITIONAL ALLOTMENT.

SEC. 754. ADDITIONAL ALLOTMENT.

SEC. 755. ADDITIONAL ALLOTMENT.
(d) Relationship With Other Agencies.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(8) Report.—

(1) Requirement.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) Content.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating technology developed through the demonstration program into use throughout the Bureau of Customs and Border Protection.

SEC. 737. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 733(a);

(2) to carry out section 733(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011;

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 738(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 738(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011;

(4) to carry out section 735(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 736, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) International Agreements.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Protecting Citizens and MaintainingEfficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to at Monterrey, Mexico, United States and Mexico, March 22, 2002, and the September 11th Victim Compensation Fund Act of 2001 (49 U.S.C. 40101 note).

(c) Relationship to Other Authorities.—

(1) In General.—The Secretary shall permit—

(A) an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), notwithstanding such order, for adjustment of status under paragraph (1); and

(B) an alien described in subparagraph (A) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)) shall apply to the Secretary to adjust the status of such alien to that of an alien lawfully admitted for permanent residence, if the alien is inadmissible under paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)), including any individual culpable for a specified terrorist activity; and

(2) Aliens Eligible for Adjustment of Status.—The Secretary shall permit an alien described in subsection (b) to apply for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1225a), including any individual culpable for a specified terrorist activity.

(d) Availability of Administrative Review.—The Secretary shall provide for an alien who is the subject of an order of removal to seek a stay of such order, on the filing of an application for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)).

(e) Stay of Removal; Work Authorization.—The Secretary shall authorize an alien who has applied for cancellation of removal under section 240A of such Act (8 U.S.C. 1229a), including any individual culpable for a specified terrorist activity, to engage in employment in the United States during the pendency of such application.

(f) Motions to Reopen Removal Proceedings.—

(1) In General.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings, any alien who, in good faith, has been permitted to engage in employment while the alien is adjudged inadmissible under paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)), including any individual culpable for a specified terrorist activity, may, notwithstanding such order, apply for cancellation of removal.

(2) Filing Period.—The Secretary shall accept for filing an application for cancellation of removal if the application is filed—

(A) within 60 days after the date of the entry into the United States of such alien; and

(B) within 60 days after the date of the entry into the United States of such alien.

(g) Exceptions.—Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien—

(1) is not lawfully present in the United States during the period beginning on the date of the enactment of this Act and ending on the date of the entry into the United States of such alien; or

(2) is a family member of an alien described in paragraphs (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)), including any individual culpable for a specified terrorist activity.

SEC. 746. EVIDENCE OF DEATH.

(a) In General.—The Secretary shall promulgate final regulations to implement section (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(b) Stands.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section.

(c) Relationship of Application to Certain Orders.—

(1) Application Permitted.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(2) Motion to Reopen.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(d) Effect of Decision.—If the Secretary grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(e) Alien Eligible for Adjustment of Status.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001; and

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and entitled to, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(f) Stay of Removal; Work Authorization.—

(1) In General.—The Secretary shall authorize an alien who has applied for adjustment of status under section (a) to engage in employment in the United States during the period of such application.

(2) Motions to Reopen Removal Proceedings.—

(1) In General.—The Secretary shall provide for an alien who is the subject of an order of removal to seek a stay of such order, on the filing of an application for relief under section (a).

(2) Work Authorization.—The Secretary shall authorize an alien who has applied for adjustment of status under section (a) to engage in employment in the United States during the pendency of such application.

(g) Exceptions.—Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien—

(1) is not lawfully present in the United States during the period of such application.

(2) is a family member of an alien described in paragraphs (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)), including any individual culpable for a specified terrorist activity.

SEC. 743. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) In General.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (b)(2), and (c) of section 209A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 209A, cancel the removal order and adjust the status of an alien lawfully admitted for permanent residence, if the alien is described in subsection (b), if the alien applies for such relief.

(b) Aliens Eligible for Cancellation of Removal.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and entitled to, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) Stay of Removal; Work Authorization.—

(1) In General.—The Secretary shall authorize an alien who has applied for adjustment of status under section (a) to engage in employment in the United States during the pendency of such application.

(2) Motion to Reopen Removal Proceedings.—

(1) In General.—The Secretary shall authorize an alien who has applied for adjustment of status under section (a) to engage in employment in the United States during the period of such application.

(2) Filing Period.—The period shall begin not later than 60 days after the date of the entry into the United States of such alien.

(d) Motions to Reopen Removal Proceedings.—

SEC. 744. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien—

(1) is inadmissible under paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)), or deportable under paragraphs (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a));

(2) committed an aggravated felony; or

(3) was convicted of an aggravated felony.

For purposes of this subtitle, the Secretary shall use the standards established under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), including any individual culpable for a specified terrorist activity; and

(2) a family member of an alien described in paragraph (1).
the highest level of amateur performance of
team, if—
in the United States and a member of a for-
or as part of a group or team, at an inter-
the definitions used in the Immigration and
Nationality Act (8 U.S.C. 1101 et seq.), other
than the definitions applicable exclusively to
title III of such Act, shall apply in the ad-
ministration of this Act.
(b) SPECIFIED TERRORIST ACTIVITY.—For
purposes of this subtitle, the term ‘‘specified
terrorist activity means any terrorist ac-
tivity against the Government or the
people of the United States on Sep-

Subtitle F—Other Matters

SEC. 751. NONCITIZEN MEMBERSHIP IN THE ARME-
D FORCES.
Section 329 of the Immigration and Nation-
ality Act (8 U.S.C. 1440) is amended—
(1) in subsection (b), by striking ‘‘sub-
section (a)’’ and inserting ‘‘subsection (a) and
(d)’’; and
(2) by adding at the end the following:
‘‘(d) Notwithstanding any other provision of
law, any person who is a citizen of the United States
and a member of a for-
gle, or as part of a group or team, at an inter-
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(b) SPECIFIED TERRORIST ACTIVITY.—For
purposes of this subtitle, the term ‘‘specified
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Subtitle F—Other Matters

SEC. 751. NONCITIZEN MEMBERSHIP IN THE ARME-
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Section 329 of the Immigration and Nation-
ality Act (8 U.S.C. 1440) is amended—
(1) in subsection (b), by striking ‘‘sub-
section (a)’’ and inserting ‘‘subsection (a) and
(d)’’; and
(2) by adding at the end the following:
‘‘(d) Notwithstanding any other provision of
law, any person who is a citizen of the United States
and a member of a for-
gle, or as part of a group or team, at an inter-
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provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federal cases.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be coordinated with the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs;

(2) Costs of courtroom technology;

(3) Costs of constructing holding spaces;

(4) Costs of administrative staff;

(5) Costs of defense counsel for indigent defendants; and

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term "case disposition" means—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term "federally declined-referred" means—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis and such decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term "federally initiated" means, with respect to a criminal case, that the case results from a Federal criminal investigation or an arrest involving Federal law enforcement authorities for potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.
(11) civic; or
(14) applying for United States citizenship.
(3) DURATION AND RENEWAL.—(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.
(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.
(4) APPLICATION FOR GRANTS.—Each entity desiring an IRAO Grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.
(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C) of paragraph (2) may not receive such a grant unless the organization—
(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or
(B) otherwise directed by an attorney.
(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.
(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to the greatest extent possible, that—
(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and
(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).
(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.
(9) LIASION BETWEEN USCIS AND GRANTEES.—The Department of Homeland Security shall establish a liaison between the Office of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.
(10) REPORTS TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—
(1) the status of the implementation of this section;
(2) the grants issued pursuant to this section; and
(3) the results of those grants.
(11) SOURCE OF GRANT FUNDS.—
(a) APPLICATION FEES.—The Secretary may use funds made available under sections 281A(d)(2) and 281D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.
(b) CUSTOMS APPROPRIATIONS.—
(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.
(B) AVAILABILITY.—Any amounts appropriated under subparagraph (A) shall remain available until expended.
(c) DISTRIBUTION OF FEES AND FINES.—
(B) 2007 VISA FEES.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under this section.
(2) COMMERCIAL MOTOR VEHICLE.—The term ‘‘commercial motor vehicle’’ means the Bureau of Customs and Border Protection.
(3) MUNICIPAL SOLID WASTE.—The term ‘‘municipal solid waste’’ means the Bureau of Customs and Border Protection.
(4) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded to an ethnically diverse population, to greatest extent practicable, that—
(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and
(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).
(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C) of paragraph (2) may not receive such a grant unless the organization—
(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or
(B) otherwise directed by an attorney.
(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.
(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to the greatest extent possible, that—
(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and
(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).
(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.
(9) LIASION BETWEEN USCIS AND GRANTEES.—The Department of Homeland Security shall establish a liaison between the Office of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.
(10) REPORTS TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—
(1) indicates whether the methodologies and technologies used by the Bureau to screen for contraband and weapons of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and
(2) if the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.
(11) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement the requirement of subsection (b) before the earlier of the date that is 180 days after the date on which the report required under subsection (b) is required to be submitted and the date on which the report is submitted, the Commissioner shall submit to the United States Secretary of Commerce a report certifying to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.
(12) ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

SEC. 760. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

(1) NONIMMIGRANT VISA FEES AND FINES.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under this section.

SEC. 761. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:
(1) PROTECTED LAND.—The term ‘‘protected land’’ means land under the jurisdiction of the Secretary of Agriculture.
(2) SECRETARY CONCERNED.—The term ‘‘Secretary concerned’’ means—
(A) the Secretary of Agriculture with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and
(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.
(3) SUPPORT FOR BORDER SECURITY NEEDS.—
(A) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—
(B) increased Customs and Border Protection personnel to secure protected lands along the international land borders of the United States;
(C) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and
(D) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

SEC. 762. RECAPITALIZATION OF FACILITIES ON CERTAIN FEDERAL LAND.

(a) AUTHORIZATION OF APPROPRIATIONS.—The Secretary of Agriculture shall ensure that the Secretary of Agriculture—
(1) develops joint recommendations with the National Park Service, the Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and
(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall—
(1) develop joint recommendations with the National Park Service, the Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and
(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned related to illegal immigration, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, and quantification of effectiveness of facilities.

(d) RECOMMENDATIONS.—The Secretary shall—
(1) develop joint recommendations with the National Park Service, the Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and
(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—
(1) units of the National Park System;
(2) National Forest System land;
(3) land under the jurisdiction of the United States Fish and Wildlife Service; and
(4) the jurisdiction of the Department of the Interior or the Department of Agriculture.
SEC. 762. UNMANNED AERIAL VEHICLES.

(a) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain MQ-9 unmanned aerial vehicles on the border, including related equipment such as—

(1) additional sensors;

(2) control equipment; and

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $175,000,000 for fiscal year 2007; and

(B) $276,000,000 for fiscal year 2008.

(2) AVAILABLE OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 763. RELIEF FOR WIDOWS AND ORPHANS.

(a) IN GENERAL.—

(1) IN APPL YING CLAUSE (III) OF SECTION 201(b)(2)(A) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY SECTION 509(a), TO AN ALIEN WHO IS A DEPENDENT OF AN ALIEN WHO IS AN IMMIGRANT, THE following words are defined by 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1158) (as amended by section 408(h) of the Immigration and Nationality Act; and


SEC. 764. TERRORIST ACTIVITIES.

(a) IN GENERAL.—

The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 203(b)(1) if the Secretary determines that granting the benefit of such waiver would be consistent with the national security interests of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 765. FAMILY UNITY.

(a) IN GENERAL.—

The Department of Homeland Security may, by rule, establish a priority for the processing of applications for adjustment of status or adjustment of immigrant status under section 203 of this Act in order to promote family unity.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 766. TRAVEL DOCUMENT PLAN.

(a) IN GENERAL.—

The Secretary may establish a plan to provide citizens of the United States with travel documents.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 767. ENGLISH AS NATIONAL LANGUAGE.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as one of its goals the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 768. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—

The Department of Homeland Security shall establish as a goal of its functions the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 769. REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—

The Secretary may establish as a goal of its functions the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 770. TRAVEL DOCUMENT PLAN.

(a) IN GENERAL.—

The Secretary may establish a plan to provide citizens of the United States with travel documents.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 771. ENGLISH AS NATIONAL LANGUAGE.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as one of its goals the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 772. REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as a goal of its functions the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 773. TRAVEL DOCUMENT PLAN.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as one of its goals the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 774. ENGLISH AS NATIONAL LANGUAGE.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as one of its goals the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.

SEC. 775. REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—

The Department of Homeland Security shall establish as a goal of its functions the promotion of English as the national language.

(b) AUTHORIZATION OF APPROPRIATIONS.—

The Secretary may authorize the appropriation of such sums as may be necessary to carry out this section.
process designed to comply with provisions of (8 U.S.C. 1422(a)) that prospective citizens—

(1) demonstrate a sufficient understanding of the English language for usage in everyday life;

(2) demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the pledge of allegiance, respect for the flag of the United States, the national anthem, and voting in public elections;

(3) demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that help provide unity for the people of the United States; and

(4) demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to comply with provisions of 8 U.S.C. 1422 (a) not later than January 1, 2008.

SEC. 769. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States and the well being and happiness of the people of the United States; and

(5) demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

SEC. 770. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. No federal official shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the United States Code and the United States Constitution, controlling judicial decisions, regulations, and controlling Presidential Executive Orders.

(a) CONFIRMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end Language of Government of the United States.

SEC. 771. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this Act the Director of the Bureau of the Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several States, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SEC. 772. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD—Section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking “the Bureau of” each place it appears and inserting “United States”;

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) establishing the Office of Internal Corruption Investigation, which shall—

“(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

“(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled in a manner appropriate to their sensitivity;

“(C) have access to all records, reports, audits, reviews, documents, papers, accounts, papers, and other data and documentary evidence necessary to carry out the duties under this section;

“(D) conduct administrative investigations, and report fraud-related data to the right person at the right time; and

“(E) work with counterparts in other Federal agencies on matters of mutual interest.

(b) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) INAPPLICABLE PROVISION.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) WEAVER.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

SEC. 774. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.


(2) by inserting “or forestry” after “agricultural”;

SEC. 775. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

“(1) IN GENERAL.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.”;

SEC. 776. GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Section 202 of the Omnibus Budget Reconciliation Act of 1990 (8 U.S.C. 1225a) is amended by inserting after section 317 the following:

“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

“(a) In General.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a pharmacist or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and
Section 101(a)(13)(C)(i)(I) (8 U.S.C. 1101(a)(13)(C)(i)(I)) is amended by adding at the end "except in the case of an eligible alien, or the spouse or child of such alien, authorized to reside in such country pursuant to section 317A.".

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "(10)(a)(2)(A)."

(3) Section 221(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A," before "and" at the end.

The table of contents is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing healthcare in developing countries."

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 777. ATTESTATION BY HEALTHCARE WORKER. (a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) (8 U.S.C. 1116a(a)(5)) is amended by adding at the end the following new subparagraph:

"(B) HEALTHCARE WORKERS WITH OTHER OB赉ATIONS.—

"(i) GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding voluntary individual agreement with the government of the alien’s country of origin or the alien’s country of residence.

(ii) OBLIGATION DEFINED.—In this subparagraph, "voluntary individual agreement" means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of medical education in order to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien’s country of origin or the alien’s country of residence.

(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien’s obligation has been deemed satisfied;

"(III) the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means;

"(IV) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE AND APPLICATION.—
that the petitioner satisfies the eligibility such petition or certification demonstrates documentary support provided along with certification is "readily approvable" if the means the Convention on Protection of Child—

interest of the child;—

adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(i) to ensure the any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(ii) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(iii) to improve the intercountry adoption process to more citizen friendly and focused on the protection of the child.

SEC. 803. DEFINITIONS.

In this title:

(1) STABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 324(c) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 811(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities under which a person is granted full and legal custody of the adopted child;


(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child’s country of residence or the State law of the parent’s residence;

(B) in which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child’s legal ties to the child’s biological parents;

(D) under which the adoptive parents meet the requirements of section 825; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 826.

(6) OFFICE.—The term "Office" means the Office of Intercountry Adoptions established under section 811(a).

(7) READILY APPROVABLE.—A petition or certification is "readily approvable" if the documentary support provided along with such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—Administration of Intercountry Adoptions

SEC. 811. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Depart-
Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(6) EFFECTED IN THE OFFICE.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14101 et seq.), there shall be a Division of Interagency Coordination, with the responsibilities described in section 2(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14102), and a Division of Field Office Operations, with the responsibilities described in section 2(a) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14102). The Division of Interagency Coordination shall also coordinate with the Intercountry Adoption Fund Office and the Intercountry Adoption Fund. The Intercountry Adoption Fund Office shall provide financial assistance to the Intercountry Adoption Fund.

(7) DIVISIONS.—(a) In general.—There shall be 7 divisions of the United States, to be divided into regions of the United States as follows:

(A) Northwest.
(B) Northeast.
(C) Southwest.
(D) Southeast.
(E) Midwest.
(F) West.

(b) In general.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions, and the regions of the world regions shall be divided by other divisions within the Department of State.

(c) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(d) ORGANIZATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the provisions of this section.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic filing.

SEC. 812. RECOGNITION OF CONVENTION ADOPTIONS.
Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14101 note) is amended by inserting “301, 302,” after “255,”.

SEC. 813. TECHNICAL AND CONFORMING AMENDMENTS.
Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14114) is repealed.

SEC. 814. SUMMARY OF PROVISIONS.
(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States that have been vested by statute or regulation in the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of the State on the effective date of this Act and shall be continued or modified if this section had not been enacted.

(b) PROCEEDINGS.—(1) PENDING.—The transfer of functions under section 814 shall not affect any proceeding under any applicable statute, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle. The transfer shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court, or by operation of law.

(c) EFFECT OF TRANSFER.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(d) INTER-Agency PROOF.—No suit, action, or proceeding commenced by or against the Secretary of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) DISCONTINUANCE OR MODIFICATION.—(1) In general.—If an individual has filed a petition under section 2(a) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14102) with respect to an adoption petition, such petition shall not be transferred to the Secretary of the State on the effective date of this Act, and any order that may be issued in such proceeding shall be continued or modified if this section had not been enacted.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Secretary of the State shall establish an electronic database for the purpose of facilitating the exchange of information between the United States and other countries concerning the adoption of foreign-born children.

SEC. 815. TRANSFER OF RESOURCES.
Subject to section 135I of title 31, United States Code, upon the effective date of this Act, there are transferred to the Ambassador at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, continued or modified if this section had not been enacted.

SEC. 816. INCIDENTAL TRANSFERS.
The Ambassador at Large may make such additional incidental dispositions of personal, real, and other property, contracts, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, patents, and other measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 817. SAVINGS PROVISIONS.
(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, certificates, licenses, patents, and other measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by this subtitle, such orders and such other measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADPTIONS.—If an individual has filed a petition under section 2(a) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14102) with respect to an adoption petition, such petition shall not be transferred to the Secretary of the State on the effective date of this Act, and any order that may be issued in such proceeding shall be continued or modified if this section had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or proceeding commenced by or against the Secretary of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is a party to any proceeding commenced by or against the Secretary of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, such proceeding may be continued or modified if this section had not been enacted.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirement relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions
SEC. 821. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.
(a) AUTOMATIC CITIZENSHIP PROVISIONS.—
(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:
"SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.
(1) In general.—A child born outside of the United States shall be automatically a citizen of the United States—
"(1) if the child is not an adopted child—
"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is under the age of 18 years; or

"(2) if the child is an adopted child, on the date of the full and final adoption of the child,

"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is an adoptable child;

"(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

"(D) the child is under the age of 16 years.

"(b) PHYSICAL PRESENCE.—For the purposes of paragraphs (1) and (2), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

"(1) periods of honorable service in the Armed Forces of the United States;

"(2) Any periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 238) by such citizen-parent.

"(3) Any periods during which such citizen parent is physically present outside the United States or its outlying possessions as the dependent unmarried son or daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 238).

"(c) FULL AND FINAL ADOPTION.—In this section, the term ‘full and final adoption’ means an adoption—

"(1) that is completed under the laws of the child’s residence or the State law of the parent’s residence; and

"(2) under which a person is granted full and legal custody of the adopted child.

"(d) PRECAUTIONS.—In the case of a child or the child’s legal representative, and the parent or other legal representative of the child, as determined by the competent authority of the child’s residence, the Secretary of State shall take precautions to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SECT. 823. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—

"(1) In general.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(15)) is amended by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Secretary of State, may be granted a nonimmigrant visa under section 212(a)(15)(W) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(15)(W)).

"(2) The date that is 4 years after the date of such approval shall be the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(3) any period necessary to complete the adoption.''

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Secretary of State, may be granted a nonimmigrant visa under section 212(a)(15)(W) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(15)(W)).

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1932.

SEC. 822. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

"(1) a period of full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 323(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1314(a)(2)), as amended by section 421 of this Act, upon application by the adopting parent.

"(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall present a valid United States passport upon presentation of a valid, unexpired United States passport.

"(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

"(4) The Secretary of State, acting through the Ambassador at Large, shall take all necessary measures to ensure that all prospective adoptive parents travel to such a foreign country to complete all procedures in such country related to adoption after the date of enactment of this Act, the Secretary of State shall provide such regulations as may be necessary to carry out this section.

SECT. 824. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(1) any period necessary to complete the adoption.''

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended—

"(1) that is completed under the laws of the child’s residence or the State law of the parent’s residence; and

"(2) under which a person is granted full and legal custody of the adopted child.

"(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

"(1) in the heading by striking ‘‘10 years’’ and substituting ‘‘18 years’’;

"(2) in clause (i), by striking ‘‘10 years’’ and inserting ‘‘18 years’’.

"(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

"(1) that is completed under the laws of the child’s residence or the State law of the parent’s residence; and

"(2) under which a person is granted full and legal custody of the adopted child.

"(d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

"(e) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

"(1) in the heading by striking ‘‘10 years’’ and substituting ‘‘18 years’’;

"(2) in clause (i), by striking ‘‘10 years’’ and inserting ‘‘18 years’’.

"(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

"(f) FAMILY REUNIFICATION.—Notwithstanding any other provision of law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

"(g) FAMILY REUNIFICATION.—Notwithstanding any other provision of law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

"(h) FAMILY REUNIFICATION.—Notwithstanding any other provision of law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

"(i) FAMILY REUNIFICATION.—Notwithstanding any other provision of law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

"(j) FAMILY REUNIFICATION.—Notwithstanding any other provision of law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.
obtain the consent nor was it given before the birth of the child; ‘‘(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, has found that the person is not a security risk; and ‘‘(F) whose eligibility for adoption and emigration to the United States has been certified by a competent authority of the country of the child’s place of birth or residence.’’.

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting ‘‘and an adoptable child as defined in section 101(c)(3) before ‘‘unless a valid home’’.

203. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

204. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In General.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may, upon application and after due consideration of the petition, in the exercise of the discretion vested in the Secretary, adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 265, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the alien was controllable;

(ii) is not deportable under paragraph (1)(E), (1)(G), (2)(B), (3)(B), (3)(C), (3)(D), (4), or

shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

205. CRIMINAL PENALTIES.

Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section 831(a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.
SEC. 205. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.—(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 206, an alien whose status has been adjusted under section 204 to the conditional permanent resident status shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(b) Notice of Requirements.—(1) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to effect the conditional basis of such status removed.

(2) Effect of Failure to Provide Notice.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(c) Termination of Status.—(1) In General.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 206(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) Return to Previous Immigration Status.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(d) Procedures.—The Secretary of Homeland Security shall provide a procedure by which an eligible individual may apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(2) Interim, Final Regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) Removal of Alien.—The Secretary of Homeland Security shall not remove any alien who has a pending application for conditional status under this title.

(3) Time to File Petition.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition.—(1) CONTENTS OF PETITION.—Each petition for removal under this subsection shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 206(a)(1)(C).

(C) The alien has not abandoned the alien’s residence in the United States. The Secretary shall presume that the alien has abandoned the alien’s residence if the alien has not been in the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien’s residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien’s residence in the United States during the period of such service.

(2) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor’s degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) Exception for Persons Admitted as Nonimmigrants.—(A) In General.—The Secretary of Homeland Security may, in the Secretary’s discretion, remove the conditional status of an alien who is admitted as a nonimmigrant alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien’s removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien’s spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) Extension.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) Treatment of Period for Purposes of Naturalization.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must...
be removed before the alien may apply for naturalization.

SEC. 206. RETROACTIVE BENEFITS UNDER THIS TITLE.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 204(a)(1) and section 205(d)(1); the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraphs (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

SEC. 207. EXCLUSIVE JURISDICTION.

(a) The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(b) The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), and (C) of section 204(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) Employment.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) Lift of Stay.—The Attorney General shall lift the stay granted pursuant to subsection (b) if—

(1) the alien has not satisfied all the requirements of section 204(a); or

(2) the alien is enrolled full time in a primary or secondary school.

(e) Employment.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

SEC. 208. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title, knowing or having reason to know that the information furnished by the applicant pursuant to an application filed under this title is false, or fabricated, or knowing or having reason to know that the information is false or fabricated, or knowing or having reason to know that the information is false or fabricated as to any material fact or that the information is not true, shall be fined not more than $10,000.

SEC. 209. CONFIDENTIALITY OF INFORMATION.

(a) Prohibition.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any public announcement whereby the information furnished by any particular individual pursuant to an application under this title is identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title, the applicant, or other entity, that designated entity, that designated entity, to examine applications filed under this title.

(b) Required Disclosure.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

SEC. 210. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 211. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjuts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title (20 U.S.C. 1071 et seq., 1076a et seq., 1087a et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 212. GAO REPORT.

Seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 204(a);

(2) the number of aliens who applied for adjustment of status under section 204(a); and

(3) the number of aliens whose conditional permanent resident status was removed under section 205.

SA 5030. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table, as follows:

On page 5, strike line 9 and all that follows through page 6, line 2.

SA 5031. Mr. FRIST proposed an amendment to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

At the end of the following sentence: This Act shall become effective 2 days after the date of enactment.
SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 23, 2004, Congress declared, "the genocide unfolding in Darfur, Sudan, are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has occurred and may still be occurring in Darfur," and "the Government of Sudan and the Janjaweed militia and to apprehend and bring to justice Janjaweed leaders and their associates who have incurred and Sudan's obligations under international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernment entities and individuals, including the Janjaweed.


(5) On March 31, 2006, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur, including the role of the Janjaweed militia, to the Prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(6) The Report of the International Commission of Inquiry on Darfur, submitted to the Secretary of State on December 12, 2005, states: "that the Government of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed militia and associated militias with the complicity and support of the National Congress Party led faction of the Government of Sudan; and

(2) all parties to the conflict in the Darfur region have violated the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarians, and other civilians, including the Commander of the Western Military Region for the armed forces of Sudan, the leader of the Janjaweed militia, the Commander of the Janjaweed militia, and the Government of Sudan, and that the war in Darfur has been transformed into a war of terror with the involvement of the Islamic Movement in Sudan, the Sudan Liberation Movement, and the Sudan Liberation Army, and the field commanders of the Movement for Reform and Development.

(17) On May 5, 2006, under the auspices of African Union mediation and the direct engagement of the international community, including the United States, the Government of Southern Sudan, the Government of Sudan and the leader of the SPLM/A for the Sudan People's Liberation Movement/Army, to establish a Comprehensive Peace Agreement for Sudan.

(18) In August 2006, the Sudanese government began an amass military forces and equipment in the Darfur region in contravention of the Darfur Peace Agreement to which they are signatories in what appears to be preliminary to full scale military operations.


(20) Between August 30 and September 3, 2006, President Bashir and other senior members of his administration have publicly rejected United Nations Security Council Resolution 1706 (2006), calling it illegal and a western invasion of his country, despite the current presence of 10,000 UN peacekeepers under the UNMIS peacekeeping force.

(21) Since 1993, the Secretary of State has determined, pursuant to section 6(j) of the Chemical and Biological Weapons Convention Implementation Act of 1993 (22 U.S.C. 2405(j)), that Sudan is a country of proliferation concern, the Government of which has repeatedly provided support for acts of international terrorism, including the supply and sale of arms, defense exports and sales, and financial and other transactions with the United States.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed militia and associated militias with the complicity and support of the National Congress Party led faction of the Government of Sudan; and

(2) all parties to the conflict in the Darfur region have violated the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian workers, and personnel of AMIS is increasing.

(3) the African Union should immediately make all necessary preparations for an overrider by the United Nations Security Council to the African Union's peacekeeping operation, which will maintain an appropriate level of African participation,
with a mandate to protect civilians and humanitarian operations, assist in the implementation of the Darfur Peace Agreement, and deter violence in the Darfur region;

(4) any community outside the United States of America that is actively aiding and abetting the Government of Sudan and the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

(10) the President should seek to assist members of the Sudanese diaspora in the Darfur region and the Sudanese refugees in the United States to establish and implement a voluntary return program for those individuals who commit to return to Southern Sudan for a period of not less than 5 years for the purpose of participating in the reconstruction of Southern Sudan;

(11) the President should immediately impose sanctions against any individual if the President determines that such a waiver is in the national interests of the United States and, before exercising the waiver, notifies the appropriate congressional committees of the name of the individual and the reasons for the waiver.

(12) the international community should strongly condemn attacks against humanitarian workers and African Union personnel, and the forcible recruitment of refugees and internally displaced persons from camps in Chad and Sudan, and demand that all armed groups in the region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the Natal Defence Movement for Reconstruction and Development (NM RD), and all other armed groups refrain from such activities.

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement and urge rapid implementation of their terms;

(14) the May 5, 2006 signing of the Darfur Peace Agreement between the Government of Sudan, the Sudan Liberation Movement/Army, and the Justice and Equality Movement was a positive development in a situation that has seen little political progress in 2 years and should be seized upon by all sides to begin the arduous process of post-conflict reconstruction, restitution, justice, and reconciliation;

(15) the new leadership of the Sudan People's Liberation Movement (referred to in this paragraph as "SPLM") should—

(A) seek to transform SPLM into an inclusive, transparent, and democratic body;

(B) reaffirm the SPLM policy to—

(i) bring peace to Southern Sudan, the Darfur region, and Eastern Sudan; and

(ii) eliminate safe haven for rebel regional movements, such as the Lord's Resistance Army; and

(C) remain united in the face of efforts to undermine SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) Blocking of Assets and Restriction on Visas.—Section 6 of the Comprehensive Peace in Sudan Act of 2004, as amended, unless the consent of the President, and shall not be used only in the Darfur region; and

(b) shall not be provided until AMIS has

(c) SANCTIONS AGAINST COMMANDERS AND COORDINATORS OR OTHER INDIVIDUALS.—It is the sense of Congress, that the President should immediately impose the following sanctions reflecting all of the Comprehensive Peace in Sudan Act of 2004, as added by subsection (a), on any individual, including the Janjaweed commanders and coordinators, identified as those who, among other acts, "impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities".

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) Presidential Authority to Support AMIS.—Subject to subsection (b) and notwithstanding any other provision of law, the President is authorized to provide AMIS with

(1) military and economic assistance for any expansion of the mandate, size, strength, and capacity to protect civilians and humanitarian operations in order to help stabilize the Darfur region of Sudan and

(2) assistance in the areas of logistics, training, communications, material support, technical assistance, training, command and control, aerial surveillance, and intelligence.

(b) Conditions.—

(1) In General.—Assistance provided under subsection (a) shall be used only in the Darfur region; and

(2) shall not be provided until AMIS has agreed not to transfer title to, or possession of, any such assistance to anyone not

(a) or employee of AMIS (or subsequent United Nations peacekeeping operation), and

(b) or agent of AMIS (or subsequent United Nations peacekeeping operation), or

(c) for use by a government or international organization other than the Government of Sudan in order to help stabilize the Darfur region of Sudan and

(d) not to use or to permit the use of any such assistance for any purpose other than those for which such assistance was furnished, unless the consent of the President has first been obtained, and written assurances reflecting all of the terms and conditions for which such assistance was furnished, unless the consent of the President has first been obtained, and written assurances reflecting all of the terms and conditions for which such assistance was furnished, unless the President consents to the transfer of such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), or

(e) for distribution by United Nations Security Council Resolution 1591.

(f) for any purpose other than those for which such assistance was furnished, unless the President consents to the transfer of such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), or

(g) for any purpose other than those for which such assistance was furnished, unless the President consents to the transfer of such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), or

(h) for any purpose other than those for which such assistance was furnished, unless

(i) for any purpose other than those for which such assistance was furnished, unless

(j) for any purpose other than those for which such assistance was furnished, unless

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(x) for any purpose other than those for which such assistance was furnished, unless

(y) for any purpose other than those for which such assistance was furnished, unless

(z) for any purpose other than those for which such assistance was furnished, unless

{ alternate text for this document is not included due to its complexity and the requirements of rendering it. }
assistance for any purposes other than those for which such assistance was furnished, the President shall immediately notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(c) NATO Assistance to Support AMIS.—It is the sense of Congress that the President should continue to instruct the United States Permanent Representative to the North Atlantic Treaty Organization referred to in section 23 of the National Security Act of 1947 (50 U.S.C. 1544(b), 1544(a)(1)).

(d) Rule of Construction.—Nothing in this Act, or any amendment made by this Act, shall be construed as a provision deterring air strikes directed against civilians in the Darfur region of Sudan; and

and humanitarian workers in the Darfur region of Sudan; and

It is the sense of Congress that the President should continue to instruct the United States Permanent Representative to the North Atlantic Treaty Organization referred to in section 23 of the National Security Act of 1947 (50 U.S.C. 1544(b), 1544(a)(1)).

(e) Denial of Entry at United States Ports to Certain Cargo Ships or Oil Tankers.—(1) In general.—The President shall take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access to humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) Exception.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in—

(A) an internationally-recognized demobilization process;

(B) the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; or

(C) the shipment of military assistance necessary to carry out elements of an agreement referred to in subparagraph (B) if the President, in his determination set forth in section 8(c)(2).

(f) Prohibition on Assistance to Countries in Violation of United Nations Security Council Resolutions 1556 and 1591.—(1) Prohibition.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance (other than humanitarian assistance) to the government of a country that is in violation of the embargo on military assistance with respect to Southern Sudan imposed by United Nations Security Council Resolutions 1556 (2004) and 1591 (2005).

(2) Waiver.—The President may waive the application of subsection (a) if the President determines, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 7. Continuation of Restrictions.

(a) In General.—Restrictions against the Government of Sudan that were imposed pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59889), title III and sections 508, 512, 527, and 569 of the Foreign Assistance, Export Financing, and Related Programs Act, 2006 (Public Law 109-102), or any other similar provision of law, shall remain in effect, and shall be deemed to be such provisions of law, until the President certifies to the appropriate congressional committees that the Government of Sudan is acting in good faith to—

(1) implement the Darfur Peace Agreement;

(2) disarm, demobilize, and demilitarize the Janjaweed and all militias allied with the Government of Sudan;


(4) negotiate a peaceful resolution to the crisis in Darfur;

(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army in Sudan; and

(b) End Use Assurances.—For each item exported pursuant to this subsection or subsection (c), the President shall include with the notification to Congress under subparagraphs (A)(ii) and (B)(ii) of paragraph (1)—

(A) an identification of the end users to whom the provision of assistance is being made;

(B) the dollar value of the items being provided;

(C) a description of the items being provided; and

(D) a description of the end use verification procedures that will be applied to such items, including—

(i) any special assurances obtained from the Government of Southern Sudan or other authorized end users regarding such equipment and any other provision of law, the prohibitions set forth in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) of such obligation in accordance with the procedures applicable to reprogramming notifications under such section; and

(d) Authorized Military Assistance.—(1) In General.—If the President has not made a certification under section 12(a)(3) of the Sudan Peace Act of 2006 (22 U.S.C. 2394(a)(3)) regarding the noncompliance of the SPLM/A or the Government of Southern Sudan with the Comprehensive Peace Agreement for Sudan, the President, notwithstanding any other provision of law, may authorize, for each of fiscal years 2006, 2007, and 2008, the provision of the following assistance to the Government of Southern Sudan as an exercise of constitutional powers—

(A) non-lethal military equipment and related defense services, including training, controlled under the International Traffic in Arms Regulations (22 C.F.R. 120.1 et seq.) if the President—

(i) determines that the provision of such items is in the national security interest of the United States; and

(ii) not later than 15 days before the provision of any such items, notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination; and

(iii) the arms and ammunition under categories I and III of the United States Munitions List (22 C.F.R. 121.1 et seq.) if the President—

(i) determines that the provision of such equipment is essential to the national security interests of the United States; and

(ii) consistent with the procedures set forth in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(a)(3)), notifies the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such determination.

(2) End Use Assurances.—For each item exported pursuant to this subsection or subsection (c), the President shall include with the notification to Congress under subparagraphs (A)(ii) and (B)(ii) of paragraph (1)—

(A) an identification of the end users to whom the provision of assistance is being made;

(B) the dollar value of the items being provided;

(C) a description of the items being provided; and

(D) a description of the end use verification procedures that will be applied to such items, including—

(e) Exception to Prohibitions in Executive Order 13067.—Notwithstanding any other provision of law, the prohibitions set forth in Executive Order Number 13067 (62 Fed. Reg. 59989) shall not apply to activities or related transactions with respect to Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum, in an effort to provide emergency relief, to promote economic self-sufficiency, to build civil authority, to provide education, to enhance rule of law and the development of judicial and legal frameworks, to support people to people reconciliation efforts, and to implement any non-military program in support of any viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

(2) Congressional Notification.—Assistance may not be obligated under this subsection—

(a) if the President waives the application of paragraphs (a) and (b) of this section, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.

SEC. 8. Assistance Efforts in Sudan.

(a) Assistance for International Malaria Control. —Section 501 of the Assistance for International Malaria Control Act —Section 501 of the Assistance for International Malaria Control Act (Public Law 106-570; 50 U.S.C. 1701 note) is repealed.


(c) Economic Assistance.—(1) In General.—Notwithstanding any other provision of law, the President is authorized to provide economic assistance for Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum, in an effort to provide emergency relief, to promote economic self-sufficiency, to build civil authority, to provide education, to enhance rule of law and the development of judicial and legal frameworks, to support people to people reconciliation efforts, and to implement any non-military program in support of any viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

(2) Congressional Notification.—Assistance may not be obligated under this subsection—

(a) if the President waives the application of paragraphs (a) and (b) of this section, and certifies to the appropriate congressional committees, that such waiver is in the national interests of the United States.


Section 8 of the Sudan Peace Act (Public Law 106-570; 50 U.S.C. 1701 note) is amended—

(1) by redesigning subsection (c) as subsection (g); and
SA 5034. Mr. CRAIG proposed an amendment to the bill S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; as follows:

On page 4, after line 8, add the following:

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108-454; 118 Stat. 3620) as subsection (f).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. 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 Thursday, September 21, 2006, at 10 a.m. to mark up an original bill entitled the Export-Import Bank Reauthorization Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee hearing on pending nominations on Thursday, September 21, 2006 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 21, 2006 at 10 a.m. The purpose of the hearing is to consider the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Vice Frances F. Malinella, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. THUNE. Mr. President: I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Legislation:
H.R. 1463, To designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, VA, as the ‘Justin W. Williams United States Attorney’s Building.’

Nominations:
Roger Romulus Martella, Jr. to be Assistant Administrator of the Environmental Protection Agency
Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency
William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority
Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission
Colonel Gregg F. Martin to be a Member of the Mississippi River Commission
Brigadier General Robert Crear to be a Member of the Mississippi River Commission
Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission

Resolutions:
6 Committee resolutions authorizing prospectuses from GSA’s fiscal year 2007 Capital Investment and Leasing Program

Committee resolution to direct GSA to prepare a Report of Building Project Survey

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. Thune. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 21, 2006 at 10:00 a.m. in 215 Dirksen Senate Office Building, to consider the nomination of Mr. John K. Veroneau, of Virginia, to be Deputy United States Trade Representative, with the rank of Ambassador, Executive Office of the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, 2006 at 9:30 a.m. to hold a hearing on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 21, 2006 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Perry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the District of Minnesota; Augusto A. Espinosa, to be U.S. District Judge for the District of Puerto Rico; Nora Barry Fischer, to be U.S. District Judge for the Western District of Pennsylvania; Gregory Kent Frizzell, to be U.S. District Judge for the Northern District of Oklahoma; Phillip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvis, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio; Lawrence Joseph O’Neill, to be U.S. District Judge for the Eastern District of California; Lisa Godfrey Wood, to be U.S. District Judge for the Southern District of Georgia.

II. Bills

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein,
Hatch, Grassley, Cornyn, Kyl, Specter; S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;
S. 2644, American Enterprise Terrorism Act, Inhofe, Feinstein;
The Senate on Thursday, September 21, 2006, is so ordered.

The purpose of the hearing is to receive testimony on S. 1106, to authorize the construction of the Arkansas Valley conduit in the State of Colorado, and for other purposes; S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Argur V. Watkins Dam Weber Basin Project to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes; S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reinvestment costs of the capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

The PRESIDING OFFICER. Without objection, it is so ordered.

The following named officers for appointment to the grade indicated under title 14, U.S.C., section 271:
To be rear admiral (lower half)
Capt. Thomas F. Atkin, 0000
Capt. Christopher C. Colvin, 0000
Capt. Cynthia A. Coogan, 0000
Capt. David T. Glenn, 0000
Capt. Mary E. Landry, 0000
Capt. Ronald J. Rabago, 0000
Capt. Paul F. Zuckunft, 0000

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 6, 2010. (Reappointment)

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Sandra Pickett, of Texas to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010. (Reappointment)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 9, 2009. (Appointment)

John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2011.

NATIONAL INSTITUTE FOR LITERACY

Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009, vice Douglas Carnine, term expired.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012. (Reappointment)

DEPARTMENT OF LABOR

Randolph James Clerkhine, of Virginia, to be an Assistant Secretary of Labor.

NATIONAL SCIENCE FOUNDATION

Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.

DEPARTMENT OF EDUCATION

Laurn M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

NOMINATIONS PLACED ON THE SECRETARY’S DISK

COAST GUARD
PN1965 COAST GUARD nomination of Tina J. Urban, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PUBLIC HEALTH SERVICE

PN1851 PUBLIC HEALTH SERVICE nominations (256) beginning Judith Louise Bader, and ending Raquel Antonia Peat, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2006.

Mr. LEAHY. Mr. President, today we consider a nominee for the new position of Assistant Attorney General for the National Security Division. All too often, in the Bush-Cheney administration, national security has been cited as a justification for overriding the rule of law and for imposing unprecedented secrecy. With the acquiescence of a Republican-controlled Congress, this administration may be the most unresponsive in history and the most unaccountable.
Ken Wainstein is President Bush’s selection to be the first Assistant Attorney General for National Security, a new position created by Congress. I will not oppose this nomination in the hope that Mr. Wainstein will work with us and be responsive to the Senate. I have concerns about this administration’s unilateral approach to national security issues. Four years ago, the Office of Legal Counsel at the Justice Department issued a secret legal opinion concluding that the President of the United States had the power to override domestic and international laws outlawing torture. The memo sought to redefine torture and asserted that the President enjoys “complete authority over the conduct of war” and asserted that application of the criminal law passed by Congress prohibiting torture “in a manner that interferes with the president’s direction of such core war matters as the detention and interrogation of enemy combatants would be unconstitutional.” It seemed to assert that the President could immunize people from prosecution for violations of U.S. criminal laws that prohibit torture. This memo was withdrawn only after it became public because it could not withstand public scrutiny.

We have learned through the media of warrantless wiretapping and data-mining conducted by this administration. Foremost is the FISA dragnet surveillance Intelligence Act and its express provisions, as well as the actions of the Senate in voting to curtail the data-mining programs by Admiral Poindexter at the Defense Department. We have yet to be provided with a convincing legal justification for these programs. We have yet to be able to investigate or hold the administration accountable. Instead, every effort at oversight and accountability has been obstructed or curtailed by the administration. The administration refuses to follow the law and submit matters to the FISA Court and claims state secrets to force court challenges to be dismissed. The administration tells the Senate when, what and how it may investigate and expands its power, obstructs or curtails its investigations. In March of last year that the different components of the Department’s dealings with national security, terrorism, counterintelligence, and foreign intelligence surveillance be combined to eliminate deficiencies and inefficiencies in the Department’s national security efforts. Congress acted to create the post. This new Assistant Attorney General is to immediately arrest and swiftly prosecute cases. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress.

Mr. Wainstein has some experience as a prosecutor, but he has also been a loyal official of this administration for some time now. I hope that he will be able to look at the crucial national security issues to be handled by this new office with a critical eye and a view toward respecting the law and the Congress. If he does, he will be a breath of fresh air in the Bush-Cheney administration. Recently, Judiciary Committee Chairman SPECTER and I received a letter from the Fraternal Order of Police. The FOP “endorsed” Mr. Wainstein “in order to facilitate his departure from the U.S. Attorney’s Office.” They criticized him for being “unwilling to perform” the function of investigating and prosecuting an alleged attack on a police officer’s attacker in this case been a visitor to the Capitol instead of a U.S. Representative, it is likely that he or she would have already fled. Instead, under the leadership of Mr. Wainstein, we have a seemingly endless grand jury proceeding and rumored talks of a plea deal, despite the fact that there has never even been an indictment.

Given that the basic function of a prosecutor is to investigate and prosecute cases, and not merely to perform a duty that Mr. Wainstein is unwilling to perform in a simple assault case, the F.O.P. was initially reluctant to support his nomination to Assistant Attorney General. However, upon further reflection, we have reconsidered. There is a genuine need to have an effective and appropriately aggressive Federal prosecutor in the District of Columbia and, because of the responsibilities of the position for which he has been nominated are largely advisory in nature, we have decided to withdraw our support. Mr. Wainstein seems unwilling to immediately arrest and swiftly prosecute cases. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress. The FISA Court and the Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE, Washington, DC.

Hon. PATRICK J. LEAHY
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN SPECTER AND SENATOR LEAHY: I am writing on behalf of the Fraternal Order of Police, a law enforcement organization representing more than 324,000 members of the Fraternal Order of Police, we urge your hard work to get it done. We should follow Senator FEINSTEIN’s thoughtful, cautious, and narrowly tailored approach. Her bill addresses the one concrete problem with FISA that the Attorney General identified, by making it easier for the Government to initiate electronic surveillance in emergency situations. It also clarifies that FISA does not require the Government to obtain a warrant in order to intercept foreign-to-foreign communications, regardless of where the interception occurs.

At the same time, we should continue to press the administration for information. We should not take “no” for an answer. As this administration continues to obstruct and curtail oversight and accountability has been frustrated by the White House.

The F.O.P. is very frustrated by the manner in which Mr. Wainstein is handling the investigation into the attack on a Federal law enforcement officer by U.S. Representa-
Wainstein’s tenure at the Bureau, FBI agents at Guantanamo sent e-mails to FBI headquarters objecting to DOD interrogation techniques being used on detainees there. FBI agents described DOD’s methods as “torture” techniques and expressed alarm over military interrogation plans.

Over the past several months I have posed a number of questions to Mr. Wainstein and Mr. Marion Bowman, who was a former deputy at the FBI’s General Counsel’s office, regarding his knowledge of those concerns and their actions in response to hearing about them. I also requested from the Department of Justice a number of documents relevant to Mr. Wainstein’s nomination.

Mr. Wainstein’s June 19, 2006, answers confirm that he was aware and “there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo disagreed with the aggressive techniques that were authorized to be used there. . . .” His July 14, 2006, letter to me indicated that the FBI’s Office of General Counsel conveyed concerns to the Department of Defense’s General Counsel and said that his office expected that DOD would address the FBI concerns. Mr. Wainstein also told me in his July 14 letter that he discussed detainee interrogation techniques with FBI Director Mueller and that the Director “maintained a bright line rule barring FBI personnel from involvement in interviews that employed techniques inconsistent with FBI guidelines. I will ask that copies of my letters to Mr. Wainstein and his replies to me be printed in the RECORD.

In connection with Mr. Wainstein’s nomination, I also posed a number of questions to Mr. Bowman, Mr. Wainstein’s deputy in the FBI General Counsel’s office. As has been my practice, I received a reply to my most recent letter to Mr. Bowman. I will ask that copies of my letters to Mr. Bowman and his responses to me be printed in the RECORD.

Mr. Bowman refers to earlier questions and his more recent response shed additional light on the concerns about detainee treatment at Guantanamo. Mr. Bowman wrote on June 27, 2006, that after he heard from FBI personnel in Guantanamo in late 2002, he believes that he “recommended—to Wainstein—that we notify DOD’s general counsel that there were concerns about the treatment of detainees at Guantanamo. Mr. Bowman also told me in that reply that he learned of “legal concerns among some DOD personnel about the DOD tactics.”

With regards to the directive issued by FBI Director Mueller that FBI personnel “not engage in any interactions that used techniques other than those approved by the FBI,” Mr. Bowman wrote me on August 7, 2006, that he does not recall when Director Mueller issued the policy. However, Mr. Bowman discussed a discussion that reflected the concerns that FBI leaders had about what they were hearing from Guantanamo. Mr. Bowman told me:

As soon as I heard [about concerns about interrogation tactics] from BAU [the Behavioral Analysis Unit] [in late 2002] I talked with [now retired Executive Assistant Director] Pat D’Amateur and said (the FBI) would not be a party to actions of any kind that were contrary to FBI policy and that individuals should distance themselves from any such actions. He made it abundantly clear that FBI would adhere to its standards and, to the extent possible, would not put itself in a position that would create even the appearance that those standards had been compromised by physical association with activities inconsistent with the tenets of the Bureau.

The responses of Mr. Wainstein and Mr. Bowman contrast with those of Alice Fisher, who, the Senate confirmed earlier this week to be head of the Criminal Division at the Department of Justice. Throughout her nomination process, Ms. Fisher maintained that she heard nothing about FBI concerns regarding DOD interrogation techniques other than vague concerns about effectiveness. Mr. Wainstein has said that “there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo disagreed with the aggressive techniques that were authorized to be used there. . . .” While Ms. Fisher was in the Criminal Division at DOJ and not the FBI, her claim of no awareness strikes me as somewhat incredible given the raging dispute going on between the FBI and DOD. As I urged in the debate on Ms. Fisher’s confirmation, I felt it essential that documents which might shed light on whether she was aware of that dispute be made available to the Senate.

In Mr. Wainstein’s case, I have been able to question officials who worked with Mr. Wainstein. Mr. Bowman answered my letters. In the case of Ms. Fisher, the Justice Department continues to block people who worked for her nomination, such as Bruce Swartz, from answering my questions. I continue to be troubled by the Department of Justice’s stonewalling of my requests for documents relevant to events at Guantanamo. The Department’s stonewalling is simply the latest example of the Department’s pattern of secrecy and obstruction.

For years, this administration has run roughshod over a compliant Republican-controlled Congress. Congressional oversight is desperately lacking. The Department’s refusal to give the Senate access to information we need to carry out our responsibilities violates fundamental constitutional principles. Every Senator should stand up for the right of any individual Senator to review relevant documents.

That said, Mr. Wainstein and his deputy Mr. Bowman have been forthcoming. They do not control the documents I seek. The Department of Justice does. Either or both of those men might be willing to provide them. Unfortunately, I am in a position to do so. Mr. Wainstein has answered to the best of his ability and I will support his nomination.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


MR. KENNETH WAINESTEIN, Washington, DC.

DEAR MR. WAINESTEIN: I have reviewed your answers to my Questions for the Record and I would appreciate you clarifying a number of your responses and providing some additional information which is relevant to them and consideration by the Senate.

1. Please provide an unredacted version of each of the documents contained in the packet I provided.

2. Question 1D (ii) in my questions asked whether you or anyone in your office raised concerns about Department of Defense (DOD) interrogation techniques with the DoD, including the DoD General Counsel. Your answer stated “I also understand that the FBI’s Office of the General Counsel conveyed those concerns to the DoD office of the General Counsel.”

(A) When did the FBI Office of General Counsel convey those concerns?

(B) Were those concerns conveyed orally or in writing? If orally, please summarize the substance of the concerns that were communicated. If in writing, please provide copies. In addition, please provide the name(s) of the person(s) in the FBI’s Office of the General Counsel who communicated those concerns, if they were conveyed orally, or who drafted the communication, if they were conveyed in writing.

3. Question 2B asked about Document #2 in the packet I provided. Your response stated, “I am not aware that an inquiry from the FBI office of the General Counsel examined the legal analysis in the document . . . .” I am attempting to reconcile that response with several other documents in the packet I provided:

Document #2A, an email dated December 2, 2002, requests that the “Legal Issues Doc” be forwarded to “Spike Bowman,” presumably referring to Marion Bowman, a senior attorney in the FBI Office of General Counsel.

Document #2B, an email sent by Marion Bowman and dated December 3, 2002, is entitled “Fwd Re Legal Issues Re GTMO.”

Document #2C, an email dated December 9, 2002, refers to a legal issue being entertained by Mr. Bowman and states that documents attached may be of interest to that review, including “a review of interrogation methods by a DoD lawyer” who “worked hard to write a legal justification for the type of interviews they (the Army) want to conduct here.”

Document #2E, an email dated December 17, 2002, is a response from Marion Bowman and is entitled “Fwd Legal Issues re Guantamano.”

Those emails clearly demonstrate that a senior attorney in your office was aware of legal issues being raised by FBI employees with regard to DoD interrogation techniques at Guantanamo. Indeed, they indicate that a review of those techniques was undertaken by that same senior attorney.

(A) Were you aware of FBI personnel at Guantanamo, or their supervisors, contacting Mr. Marion Bowman or other attorneys in the FBI Office of General

(B) Were you aware of Mr. Bowman or other attorneys in the FBI Office of General
Counsel reviewing legal aspects of interrogations conducted at Guantanamo in 2002 or 2003? If so, did you discuss this with them or take any other action?

(C) Were you aware of Mr. Bowman or other attorneys in the FBI Office of General Counsel being provided documents “of interest” to you about legal aspects of interrogations at Guantanamo in 2002 or 2003, including a review of interrogation methods by a DoD lawyer? If so, did you review any of these documents? Did you discuss them with anyone in the FBI, or take any other action?

(D) Were you aware of any comment that Mr. Bowman or other attorneys in your office may have made regarding the detention and in-custody practices at Guantanamo in 2002 or 2003? If so, when were you first aware of these concerns? If so, what was the substance of such comment?

(E) If you were not aware of email exchanges or other communications between FBI personnel and Mr. Marion Bowman or other attorneys in the office of the FBI General Counsel regarding legal aspects relating to interrogation techniques at Guantanamo during the period you were FBI General Counsel, to what do you ascribe your lack of awareness?

(F) Please provide the name of the person who drafted the legal analysis in Document #2.

4. Your answer to Question 3 states that “Subsequent to the May 20 hearing, the FBI surveyed its personnel who had been deployed to Guantanamo to determine whether any witnessed mistreatment of detainees.” Please provide the results of that survey.

5. Your answer states that “it would be inappropriate for me to describe any discussions I may have witnessed or had with Director Mueller on this topic.” Please provide the legal analysis for your decision not to describe those discussions.

I look forward to your prompt responses to my questions. Thank you.

Sincerely,

CARL LEVIN
U.S. Senator

Mr. MARION BOWMAN,
Senior Counsel, Office of General Counsel, FBI Headquarters, Washington, DC.

DEAR MR. BOWMAN: I am writing in connection with the nomination of Kenneth Wainstein for the position of Assistant Attorney General for the National Security Division of the Department of Justice. Mr. Wainstein has indicated that you worked for and related to him during his tenure as FBI General Counsel.

I asked Mr. Wainstein a series of questions concerning FBI documents (attached) which refer to concerns of FBI personnel at Guantanamo about aggressive interrogation techniques used by the Department of Defense (DoD). In his answers to my questions, Mr. Wainstein repeatedly stated that he could not recall specific information or documents contained in the packet. He also stated that it was “possible” he was “the source” from which he learned of FBI concerns with DoD interrogation techniques.

To assist me in filling in the gaps in Mr. Wainstein’s answers, please answer the following questions:

1. In the packet provided, Document #1C, dated May 30, 2003 and addressed to your attention, summarizes FBI agents’ objections in 2002 and 2003 to DoD’s use of aggressive interrogation techniques at Guantanamo. Did you review any of these concerns or discuss them with Mr. Wainstein or others?

2. Were you aware of Mr. Wainstein’s answers, please answer the following questions:

A. Do you remember Document #1C?
B. Were you aware, from Document #1C or otherwise, of FBI agents’ concerns regarding military interrogators’ use of aggressive interrogation tactics at Guantanamo? If so, when were you first aware of these concerns? Did you bring these concerns to the attention of Mr. Wainstein? If not, why not? If so, what was Mr. Wainstein’s response to those concerns?

C. Were you aware of FBI agents’ concerns that those techniques were not only of questionable effectiveness but also “subject to uncertain interpretation based on law and regulation”? Did you raise these concerns with Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

D. In his answers to my questions, Mr. Wainstein stated that the FBI’s Office of General Counsel (FBI OGC) conveyed FBI agents’ concerns regarding DoD interrogation techniques which were “not only of questionable effectiveness” but also “subject to uncertain interpretation based on law and regulation”? Did you raise these concerns with Mr. Wainstein? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

E. Did you examine the document described in Document #1C, which refer to concerns of FBI personnel at Guantanamo about aggressive interrogation techniques used by the Department of Defense (DoD)? If not, why not? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

F. Please provide the name of the person who drafted the legal analysis in Document #2.

4. Your answer to Question 4 states that “Subsequent to the May 20 hearing, the FBI surveyed its personnel who had been deployed to Guantanamo to determine whether any witnessed mistreatment of detainees.” Please provide the results of that survey.

5. Your answer states that “it would be inappropriate for me to describe any discussions I may have witnessed or had with Director Mueller on this topic.” Please provide the legal analysis for your decision not to describe those discussions.

I look forward to your prompt responses to my questions. Thank you.

Sincerely,

CARL LEVIN
U.S. Senator

Mr. MARION BOWMAN,
Senior Counsel, Office of General Counsel, FBI Headquarters, Washington, DC.

DEAR MR. BOWMAN: Thank you for your response to my letter of June 9, 2006. On June 29, 2006, I provided your response to Mr. Kenneth Wainstein and asked additional questions regarding FBI personnel’s concerns over DoD interrogation techniques at Guantanamo. Mr. Wainstein responded to me on July 14, 2006. A number of these issues, however, require further clarification.

Please provide answers to the following:

1. In Mr. Wainstein’s responses of July 14, 2006, he states that he discussed concerns about detainee interrogations with Director Mueller “at some point during our tenure.” Further, he states that “The Director had made a policy decision to prohibit FBI personnel from participating in interrogation sessions in which non-FBI personnel were employing interrogation techniques that did not comport with FBI guidelines.”

A. In your response to my questions, you describe a telephone call you received from Behavioral Analysis Unit (BAU) personnel in late 2002 regarding their concerns about interrogations practices at Guantanamo. Did you discuss these issues with Director Mueller in late 2002? If so, what was the nature of those discussions? Was Mr. Wainstein aware of those discussions?

B. When did Director Mueller issue the policy prohibiting the participation of FBI personnel from interrogations involving techniques that did not comport with FBI guidelines? Please provide any documents relating to the issuance of that policy.
2. In your response to Question #1B, you stated that you recommended to Mr. Wainstein that your office notify the Department of Defense Office of General Counsel (DoD/OGC) about concerns about the treatment of detainees in Guantanamo. You add that Mr. Wainstein concurred in this suggestion. When did you first contact the DoD/OGC personnel worried about concerns about the treatment of detainees in Guantanamo? Was it in late 2002? To whom did you communicate these concerns?

3. In your response to Question #3A, you stated that you received the “Legal Issues Doc” in late 2002 and that “there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo and other OGC attorneys were among those from whom I heard about these concerns.” You also cited the reuse of DoD/OGC attorney’s name as #2 in your public response. Did you provide the “Legal Issues Doc” to DoD/OGC? If so, when?

4. In your response to Question #3B, you stated that you provided the attachments to Document #1C, including the Army Legal Brief and the Army War Crimes responses, to the Defense Humint Services Department General Counsel. Please provide the name of the individual in that office to whom you provided these documents. When did you do so?

5. In your response to Question #4A, you state that you don’t know who authored the document entitled “Legal Analysis of Interrogation Techniques,” but that “my understanding is that the document was not drafted by an FBI agent.” Rather, an FBI agent copied it and forwarded it to FBI Headquarters.

A. What is the basis for your understanding that this document was not authored by an FBI agent?

B. What is your understanding of the source from which the agent copied the contents of the document?

In addition, I remind you that my June 9, 2006, letter included a request for “unedited copies of any of the documents in the attachments to Document #1C, which were sent, received, or directed anyone else to do so—I do recall having specific conversations with them about Mr. Bowman or any other OGC lawyer. I do not recall ever hearing that Mr. Bowman or any other OGC lawyer was undertaking any formal legal review or analysis of interrogation techniques employed by another agency. I did not produce any formal legal opinion or OGC legal memorandum on this topic while I was General Counsel.

As I previously explained, I was aware of and there was wide awareness within the FBI—that FBI personnel stationed at Guantanamo, CIA personnel in my previous response, and Mr. Wainstein that your office notify the Department of Defense Office of General Counsel. I have always considered this scrupulous to be a part of my job, and I communicate these concerns to me about some of the concerns he was hearing, his written responses indicate that he also cannot recall any specific conversation. Moreover, he makes clear that any conversations we might have had on this topic would have been simply advisory in nature, in that he believed the concerns were being addressed by Mr. Wainstein. There required no FBI action beyond his contacting the DoD General Counsel’s Office.

Your letter asks whether I informed Department of Justice officials or Director Mueller regarding any concerns I heard about Guantanamo interrogations or directed others to so inform them. While I do not recall discussing concerns about detainees’ interrogations with any one in Main Justice—or directing anyone else to do so—I do recall orally discussing detainees interrogations with Mr. Wainstein in late 2002 or 2003. The Director had made a policy decision to prohibit FBI personnel from participating in interrogation sessions in which non-FBI personnel were using interrogation techniques that did not comport with FBI guidelines. The Director—described his reasons for
this policy in his response to Questions for the Record after his April 5, 2005, testimony before the Judiciary Committee (which are summarized in my June 5, 2006, responses to your request for the record on pages 12). When this issue came up from time to time during my service at the FBI, the Director and I discussed FBI concerns about aggressive interrogation techniques and he maintained a bright-line rule barring FBI personnel from involvement in interviews that employed techniques inconsistent with FBI guidance.

II. CONVERSATIONS ABOUT THE TERRORIST INTERROGATION PROGRAM

Your second question asks whether I am asserting any privilege in declining to describe in detail my interactions with Special Agent Mueller regarding the legal rationale for the Terrorist Surveillance Program. The short answer is that I am not invoking a privilege; rather, my response comports with the longstanding Executive Branch practice of protecting the integrity of internal advice and other deliberations. It is my understanding that this practice is based largely on the importance of ensuring that policy makers receive the complete, sometimes differing, views of subordinates as they consider significant matters.敏感信息加密

Please advise as to whether you are asserting any privilege in declining to describe to the Senate Armed Services Committee your conversations with Director Mueller on the legal rationale for the legal sensitivity of internal advice and other deliberations. It is my understanding that this practice is based largely on the importance of ensuring that policy makers receive the complete, sometimes differing, views of subordinates as they consider significant matters.

Finally, following my staffs discussion with the Director of Justice, I will provide the Department of Justice with any documents from the previously provided packet that I request be provided in unredacted form. I look forward to your reply.

Sincerely,

CARL LEVIN.

AUGUST 7, 2006.

Hon. CARL LEVIN,
U.S. Senate, Committee on Armed Services,
Washington, D.C.

Dear Senator Levin:

You sent me a second set of questions with respect to Mr. Kenneth Wainstein, which I received on Friday, August 4. You again ask whether I have been “de-tained” issues. Let me preface my reply by informing you that I no longer work for the Department of Justice. In consequence, I have no access to any of the documents that you reference and, because of a computer malfunction, I have been unable to locate and read those documents. I am, however, anxious to provide you with a candid and forthright response.

I trust that this letter responds to your questions. It has been my objective throughout the process to be as candid and forthright as possible, and to assure you that I am worthy of your confidence to handle the important national security responsibilities of the Department of Justice.

With the establishment of the National Security Division awaiting my confirmation, I am anxious for you to allow my nomination to proceed to a vote before the United States Senate. There is much work to be done to stand up the new Division.

Please let me know if you have any further questions, as I would be happy to meet with you at your convenience to respond to them. Thank you once again for your consideration throughout this process.

Sincerely,

KENNETH L. WAINSTEIN.

U.S. Senate,
Washington, D.C.

Mr. KENNETH WAINSTEIN.

Washington, D.C.

Dear Mr. Wainstein:

I have reviewed your June 19th reply and Mr. Marion Bowman’s June 27th reply to my June 9th letters and would appreciate your responses to the following questions:

Mr. Bowman’s response, a copy of which is enclosed, states that he is confident that he spoke with you about a call he received from FBI Behavioral Analysis Unit (BAU) personnel in fall 2002 expressing concern with certain Department of Defense (DoD) interrogation tactics in use at Guantanamo. In addition, Bowman states that he believes that he no longer has access to any of the documents in the bundle that was forwarded to me by BAU, but was not able to locate any such document that you received the “Legal Issues Doc” in late 2002 and that, “Because at that time I was working under the assumption that DoD General Counsel was taking appropriate action with respect to this issue, I did not believe that any party action was necessary on the advice of the FBI.”

A. Did you provide the “Legal Issues Doc” to the DoD/OGC if so when?

B. When did Director Mueller issue the policy prohibiting the participation of FBI personnel from participating in interrogation sessions in which non-FBI personnel were employing techniques that did not comport with FBI guidelines?

C. Why did you assume at the time you received this document that the DoD/OGC was taking appropriate action? Was this based on your discussions with individuals in the DoD/OGC or so, what was the nature of those discussions?

Answer: This could be a lengthy response, but the short version is that, based on my recollection and conversations with the then-Deputy General Counsel and the then-General Counsel of the Department of Justice, a portion of which was then the General Counsel for Intelligence, a substantial portion of which dealt both with issues of the Law of Armed Conflict and with the nature of those discussions was lost. Was Mr. Wainstein aware of those discussions?

Answer: To the best of my recollection, I never discussed detainee issues with Director Mueller.

B. When did Director Mueller issue the policy prohibiting the participation of FBI personnel from interrogations involving techniques that did not comport with FBI guidelines? Please provide any documents relating to those discussions.

Answer: I do not recall when Director Mueller issued that policy. However, I can tell you that the operational prohibition came into effect as early as 2001. As I have stated, the FBI would not be a party to actions of any kind that were contrary to FBI policy and that individuals should distance themselves from any such actions. That confirmed my role as his chief of staff. Furthermore, the Department of Justice and, hence, I want to be sure the “sound bite” is not misinterpreted. EAD D’Amuro was not saying that FBI would ignore anything unlawful. He said that conduct that would ad- here to its standards, and to the extent possible, would not put itself in a position that would violate those national security standards had been compromised by physical association with activities inconsistent with the tenets of the Bureau.

2. In your response to Question 91b, you state that you recommended to Mr. Wainstein that your office notify the Department of Defense Office of General Counsel (DoD/OGC) that “there were concerns about the treatment of detainees in Guantánamo.” You add that Mr. Wainstein concurred in this suggestion. When did you first contact Mr. Wainstein regarding this concern? Was it in late 2002? To whom did you communicate these concerns?

Answer: You will have to seek any documents from the Department of Justice as I no longer have access to any of them.

In your response to Question 91b, you state that you recommended to Mr. Wainstein that your office notify the Department of Justice Office of General Counsel (DoD/OGC) that “there were concerns about the treatment of detainees in Guantánamo.” You add that Mr. Wainstein concurred in this suggestion. When did you first contact Mr. Wainstein regarding this concern? Was it in late 2002? To whom did you communicate these concerns?

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Answer: You will have to seek any documents from the Department of Justice as I no longer have access to any of them.

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Answer: You will have to seek any documents from the Department of Justice as I no longer have access to any of them.
MEASURE DISCHARGED AND REFERRED—H.R. 2965

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2965 and that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3925

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3925) to provide certain authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE PLACED ON THE CALENDAR—H.R. 503

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 503), to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bill will be placed on the calendar.

DESIGNATING DECEMBER 13, 2006, AS A POLISH DAY OF REMEMBRANCE

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 579, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating December 13, 2006, as a Day of Remembrance to honor the legacy of the imposition of martial law by the Communist government in Poland.
Communism and the ultimate end of the Cold War.

NATIONAL POLLINATOR WEEK

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 580, 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. 580) recognizing the importance of pollinators to ecosystem health and agriculture in the United States and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators by designating June 24 through June 30, 2007, as “National Pollinator Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 580) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 580

WHEREAS bees, butterflies, and other pollinators play a critically important role in agriculture in the United States and help to produce a healthy and affordable food supply and sustain ecosystem health;

WHEREAS pollinators help to produce an estimated 1 out of every 3 bites of food consumed in the United States and to reproduce at least 80 percent of flowering plants;

WHEREAS commodities produced in partnership with animal pollinators generate significant income for agricultural producers, with domestic honeybees alone pollinating an estimated $14 billion worth of crops in the United States each year produced on more than 2,000,000 acres;

WHEREAS it is in the strong economic interest of producers and consumers in the United States to help ensure a healthy, sustainable pollinator population;

WHEREAS possible declines in the health and population of pollinators pose what could be a significant threat to global food webs, the integrity of biodiversity, and human health;

WHEREAS the North American Pollinator Protection Campaign, managed by the Co-evolution Institute, is a tri-national, cooperative conservation, public-private collaboration of individuals from nearly 140 diverse stakeholder groups, including concerned landowners and managers, conservation and environmental groups, scientists, private businesses, and government agencies; and

WHEREAS the Pollinator Partnership™ web site (http://www.pollinator.org) has been created as the source for pollinator information; Now, therefore, be it

Resolved, SECTION 1. DESIGNATION OF NORTH AMERICAN POLLINATOR APPRECIATION WEEK.

The Senate—

(1) recognizes the partnership role that pollinators play in agriculture and healthy ecosystems;

(2) applauds cooperative conservation collaborative efforts of participants in the North American Pollinator Protection Campaign to increase awareness about the important role of pollinators and to build support for protecting and sustaining pollinators;

(3) designates June 24 through 30, 2007, as “National Pollinator Week”; and

(4) encourages the people of the United States to observe the week with appropriate ceremonies and activities.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

Mr. FRIST. I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 180, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 180

WHEREAS epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and frequent blistering;

WHEREAS approximately 12,500 individuals in the United States are affected by the disease;

WHEREAS data from the National Epidermolysis Bullosa Registry indicates that of every 1,000,000 live births, 20 infants are born with the disease;

WHEREAS there currently is no cure for the disease;

WHEREAS children with the disease require almost around-the-clock care;

WHEREAS approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

WHEREAS the skin is so fragile for individuals with epidermolysis bullosa that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

WHEREAS most individuals with the disease have inherited the disease through genes parents have inherited the disease through genes they receive from one or both parents;

WHEREAS epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

WHEREAS individuals with epidermolysis bullosa are usually isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

WHEREAS more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

WHEREAS the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease; Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease; and

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

CONGRATULATING THE KANSAS STATE UNIVERSITY DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration, and the Senate proceed to the consideration of S. Res. 539.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 539

WHEREAS, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

WHEREAS, Kansas State University’s Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

WHEREAS, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

WHEREAS advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture.

Resolved, That the Senate—

(1) supports the goals and ideals of a National Pollinator Awareness Week to raise public awareness about the importance of pollinators and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators;

(2) applauds the cooperative conservation collaborative efforts of participants in the North American Pollinator Protection Campaign to increase awareness about the important role of pollinators and to build support for protecting and sustaining pollinators;

(3) designates June 24 through 30, 2007, as “National Pollinator Week”; and

(4) encourages the people of the United States to observe the week with appropriate ceremonies and activities.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

Mr. FRIST. I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 180, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 180) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 180

WHEREAS epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and frequent blistering;

WHEREAS approximately 12,500 individuals in the United States are affected by the disease;

WHEREAS data from the National Epidermolysis Bullosa Registry indicates that of every 1,000,000 live births, 20 infants are born with the disease;

WHEREAS there currently is no cure for the disease;

WHEREAS children with the disease require almost around-the-clock care;

WHEREAS approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

WHEREAS the skin is so fragile for individuals with epidermolysis bullosa that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

WHEREAS most individuals with the disease have inherited the disease through genes parents have inherited the disease through genes they receive from one or both parents;

WHEREAS epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

WHEREAS individuals with epidermolysis bullosa are usually isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

WHEREAS more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

WHEREAS the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease; Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease; and

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

CONGRATULATING THE KANSAS STATE UNIVERSITY DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration, and the Senate proceed to the consideration of S. Res. 539.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 539

WHEREAS, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

WHEREAS, Kansas State University’s Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

WHEREAS, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

WHEREAS advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture.
Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including conservation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana; and

Whereas the faculty in the Department of Agronomy distinguished themselves by receiving numerous university and national awards in teaching, research, and extension and provided service and leadership for national and international professional societies; and

Whereas the faculty in the Department of Agronomy have conducted research for sustainably effective crop and range production systems that conserve natural resources and protect environmental quality; and

Whereas, today, a majority of the acres of wheat and a significant number of acres of alfalfa, soybean, and canola in Kansas are planted with varieties developed in the Department of Agronomy; and

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, production, production evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive; and

Whereas the Department of Agronomy has prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources; and

Whereas the alumni of the Department of Agronomy have distinguished themselves in the public and private sectors as crop, soil, range, and weed science professionals and have become farmers, extension agents, educators, administrators, consultants, representatives, legislators, military officers, contractors, and a host of other professionals; and

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, breeding "Miracle Rice" for Asia, and leading national programs in wheat, barley, oat, and alfalfa. Now, therefore, be it

Resolved, That the Senate congratulates the Department of Agronomy in the College of Agriculture at Kansas State University and commends the Department of Agronomy and alfalfa: Now, therefore, be it

A concurrent resolution (S. Con. Res. 116) was agreed to.

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Not this year, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The legislative clerk read as follows:

A bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill.

(A at the request of Mr. Reid, the following statement was ordered to be printed in the Record.)

Mr. AKAKA. Mr. President, as ranking member of the Senate Committee on Veterans’ Affairs, I am extremely pleased with Senate passage of legislation that will authorize a cost-of-living adjustment for veterans’ compensation.

The Veterans’ Compensation Cost-of-Living Adjustment Act of 2006, S. 2562, directs the Secretary of Veterans Affairs to increase, as of December 1, 2006, the rate of veterans’ disability compensation, dependency and indemnity compensation for surviving spouses and children, and certain related benefits.

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills; and

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends:

Whereas high quality after school programs build stronger communities by involving the Nation’s students, parents, business leaders, and adult volunteers in the lives of the Nation’s youth, thereby promoting positive relationships among children, youth, families, and adults; and

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation’s children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 12, 2006, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities; and

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Not this year, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

The legislative clerk read as follows:

A bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill.

(A at the request of Mr. Reid, the following statement was ordered to be printed in the Record.)

Mr. AKAKA. Mr. President, as ranking member of the Senate Committee on Veterans’ Affairs, I am extremely pleased with Senate passage of legislation that will authorize a cost-of-living adjustment for veterans’ compensation.

The Veterans’ Compensation Cost-of-Living Adjustment Act of 2006, S. 2562, directs the Secretary of Veterans Affairs to increase, as of December 1, 2006, the rates of veterans’ disability compensation, dependency and indemnity compensation for surviving spouses and children, and certain related benefits.

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, breeding "Miracle Rice" for Asia, and leading national programs in wheat, barley, oat, and alfalfa. Now, therefore, be it

Resolved, That the Senate congratulates the Department of Agronomy in the College of Agriculture at Kansas State University and commends the Department of Agronomy and alfalfa: Now, therefore, be it

The concurrent resolution (S. Con. Res. 116) was agreed to.

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Not this year, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

The legislative clerk read as follows:

A bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill.

(A at the request of Mr. Reid, the following statement was ordered to be printed in the Record.)

Mr. AKAKA. Mr. President, as ranking member of the Senate Committee on Veterans’ Affairs, I am extremely pleased with Senate passage of legislation that will authorize a cost-of-living adjustment for veterans’ compensation.

The Veterans’ Compensation Cost-of-Living Adjustment Act of 2006, S. 2562, directs the Secretary of Veterans Affairs to increase, as of December 1, 2006, the rates of veterans’ disability compensation, dependency and indemnity compensation for surviving spouses and children, and certain related benefits.
The COLA will be the same as the increase provided to Social Security recipients, which is projected to be approximately 2.9 percent.

It is vital that veterans’ disability compensation rates keep pace with the increasing cost of living. Without an increase to offset the effects of inflation, veterans and their families would lose the value of this important benefit.

Passage of the Veterans’ Compensation Cost-of-Living Adjustment Act of 2006 is the least that Congress can do to help disabled veterans provide adequately for their families. Many times, VA disability compensation is a major, and in some cases the sole, source of income for a veteran and his or her family. For those who gave so much to this nation, we owe them this sign of gratitude.

In closing, I thank all of my colleagues for their support for our Nation’s veterans. I anticipate swift passage of this important legislation by the House of Representatives.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5034) was agreed to, as follows:

(Purpose: To make a technical correction to title 38, United States Code)

On page 4, after line 8, add the following:

SEC. 4. TECHNICAL AMENDMENT.
Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

The bill (S. 2562), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2562
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 “Veterans Compensation Cost-of-Living Adjustment Act of 2006”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall, in accordance with subsection (c), the dollar amounts in effect on November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are as follows:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) DISABILITY COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1151(1) and 1151(3) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts described in paragraph (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—
(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the nearest whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation and dependency and indemnity compensation under section 210 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLIC LAW 108–454.—
The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under this section, not later than the date on which the matters specified in section 215(1)(2)(D) of the Social Security Act (42 U.S.C. 415(2)(D)) are required to be published by reauthorization made under section 215(i) of such Act during fiscal year 2007.

SEC. 4. TECHNICAL AMENDMENT.
Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

DETAINEE INTERROGATION AGREEMENT

Mr. FRIST. Mr. President, in a few moments we will be closing. I will have a brief closing statement about what the plans will be over the next several days. While we have a moment, I will refer to what happened about an hour or an hour and a half ago on a very important piece of legislation we have been working on for about 2 months, almost 3 months now. It is legislation which results from what we all know now as the Hamdan decision of the Supreme Court presented to us specifically several months ago. As of that decision, it became incumbent to pass legislation in this Senate to clarify the results of that decision but, most importantly, to address the issues surrounding the military tribunals, the terrorist tribunals, the military commissions. Those are, in essence, the court system, the commissions, the way we deal with enemy combatants or terrorists.

The debate before the Senate is legislation that we must pass this coming week just as soon as possible for a number of reasons, but primarily we have detainees at Guantanamo Bay, Cuba, who cannot be tried. Among these terrorists are people such as the lead Shaikh Mohammed, the mastermind, or alleged mastermind, behind the events of September 11.

In addition, what we have now under the Hamdan decision made it incumbent upon the Senate to act in order to be able to continue a very important program of interrogation so we can get information so our Government will be equipped with the tools we need to prevent determination from terrorists that can be lifesaving, that can prevent another attack, a terrorist attack.

What has been challenging over the last several months is coming to an agreement which we reached today among colleagues who had devoted a lot of time in this Senate on this issue, an issue which is tough from a legal standpoint, but an agreement within this Senate, working hand in hand with the Administration and to join my colleagues, along with the National Security Adviser, Steve Hadley, along with a Member from the House of Representatives, as well as MITCH MCCONNELL, our whip, as well as JOHN MCCAIN, and Senator GRAHAM, to announce an agreement that meets the key test of our conference.

The first priority, as I have spoken again and again over the last several days, was the importance of meeting these goals. And they were met.

No. 1, protect America by ensuring our highly valuable CIA program will be preserved, a program of interrogation which has delivered information that has allowed the United States to stop terrorist activity. That will be preserved.

The second goal, a criterion that I have set out and the President has set out as well, is what we develop in this Senate must guarantee that classified sources and methods, classified information—all sources and methods will not be disclosed to the terrorist detainees. It seems obvious to the American people, obvious to me, that we do not want to be giving classified information to a terrorist or his attorney, who will turn around and share that with the larger terrorist world that is out there.

A third criterion or a third result of the fact that this legislation has been addressed in the way it has is an agreement that has the impact of ensuring that the military will be able to begin to try the terrorists, the enemy combatants, the detainees in our custody today.

So it protects a program which we know is important. No. 1, No. 2, it prevents classified information from being given to terrorists. No. 3, it ensures that the military can begin to try these terrorists once this legislation is signed by the President.

I congratulate my colleagues. We have a long way to go, though, because
that is the first major step of a product of about 2 months of work. With that work and the time they have spent, the dedication and focus, it means that once that information can be shared with Democrats and Republicans throughout the Senate and they take a look at it, the fact that it has been so carefully vetted, we should be able to address it in the course of next week.

I had a brief conversation with the Democratic leader, who has begun to look at that legislation. He, too, is confident we can address this issue next week. The House of Representatives has to address it, as well, go to conference—if we don’t pass the same bill—and then get it to the President as soon as we possibly can. So it is very good news. That agreement was reached today.

There are a number of other items that have to be addressed, but there were three major items that were the real gist, the substance of that agreement.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3127 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 574.

That the Senate recognizes the 75th Anniversary of the North Carolina Farm Bureau Federation.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the Lugar substitute at the desk be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3033), in the nature of a substitute, was agreed to.

The amendment was printed in today’s RECORD under “Text of Amendments.”

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3127), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, I have several other issues to deal with, but that particular issue on Sudan and sanctions surrounding Sudan leads me to comment on the great tragedy that is occurring in the Darfur region in western Sudan.

I have had the opportunity to be in that region in a number of the refugee camps along that western border of Sudan and Chad, the country just west of Sudan, a country to which many of these refugees are fleeing.

Things are getting worse in Darfur. We have heard a lot about it in the last 2½ years. On this floor, a little over 2 years ago, the administration called it genocide. Shortly thereafter, the administration also agreed it is genocide. And that is exactly what it is. We do not know exactly how many people have been killed, but around 200,000 people have been killed in the genocide and probably 2 million people displaced from their homes. Things are getting worse. It deserves the attention of this body. We focused on it at a very early time.

We continue to focus on it, but again, I think we are going to have to focus on it more and more.

An envoy was appointed by the President yesterday or the day before. I think that is a very positive move in that regard.

RECOGNIZING THE 75TH ANNIVERSARY OF THE NORTH CAROLINA FARM BUREAU

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution (S. Res. 574) recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and saluting the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina, be agreed to.

Whereas the North Carolina Farm Bureau Federation founded the North Carolina Farm Bureau Federation Mutual Insurance Company, which is North Carolina’s largest domestic insurance company; and

Whereas the Board of Directors of the North Carolina Farm Bureau Federation Mutual Insurance Company is composed entirely of farmers; and

Whereas the North Carolina Farm Bureau Federation is a true grassroots organization dedicated to ensuring that agriculture remains North Carolina’s number one industry through the organization’s unique policy development process and active legislative and regulatory advocacy programs; Now, therefore, be it

Resolved, That the Senate recognizes the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and salutes the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina.

ORDERS FOR FRIDAY, SEPTEMBER 22, 2006, AND MONDAY, SEPTEMBER 25, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 22. I further ask consent that following the prayer and pledge, the morning hour be deemed completed, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and further that notwithstanding the adjournment of the Senate it be in order for Senators to introduce bills on Friday until 11 a.m. and provided further that a bill to be introduced by Senator FRIST or his designee be considered as read a first time and that there be an objection to its second reading. I further ask consent that following the pledge, the Senate then stand in adjournment until the hour of 4 p.m. on Tuesday, September 26.

I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of
To be captain

MEREDITH L. AUSTIN, 0000
STEVEN T. BAYNES, 0000
ROBERT K. BEECHER, 0000
WAYNE P. BROWN, 0000
ROBERT S. BURCHELL, 0000
JOHN D. CAPEL, 0000
MARK A. CAWTHORN, 0000
MICHAEL B. CAHILL, 0000
BABY B. COMPAGNONI, 0000
MARK E. DOLAN, 0000
BRAD W. FARBING, 0000
LINDA L. FAYAN, 0000
LISA M. FOSTA, 0000
JAMES J. FISHER, 0000
GORDON C. FOSS, 0000
KARL J. GABRIELSEN, 0000
MICHAEL G. GIBBONS, 0000
EDWARD J. GIBSON, 0000
GLYNN F. GRAML, 0000
CATHERINA H. HAINES, 0000
KELLY L. HATFIELD, 0000
MICHAEL J. RAYCOCK, 0000
JOHN W. RIGNALL, 0000
LISA T. HEFFELFINGER, 0000
JAMES M. HEENE, 0000
MARK S. EDMAN, 0000
JOHN J. HICKY, 0000
KENNETH J. HEPBURN, 0000
ROBERT J. KLAFFROTH, 0000
JOSHEF K. KLEIBER, 0000
JOHN W. KOSTER, 0000
GARY D. LAKIN, 0000
ROBBY M. LAM, 0000
THOMAS P. LENNON, 0000
PATRICK LITTLE, 0000
JAMES F. MARTIN, 0000
CHRISTOPHER A. MARTINO, 0000
LOHI A. MATHEW, 0000
JAMES G. MAZENNA, 0000
MICHAEL F. MCCALLISTER, 0000
DAVID A. MCBRIDE, 0000
DOUGLAS B. MCKEEL, 0000
JOSHEF C. MCGUINNESS, 0000
MATT W. MILLER, 0000
WILLIAM J. MENEKES, 0000
DAVID W. NEWTON, 0000
MENG M. NGUYEN, 0000
MARK S. OGLE, 0000
PETER K. OTTENOTT, 0000
JOSHEF S. PARADES, 0000
JOHN R. PASCHE, 0000
ROBERT J. PAULSON, 0000
DREW W. PRAGSHE, 0000
JOSHEF D. PHILPPS, 0000
SCOTT M. POLLOCK, 0000
DOUGLAS A. PILLIOTT, 0000
JOSHEF M. RE, 0000
KENDRICK J. REYNOLDS, 0000
CHRISTOPHER L. ROBBERGE, 0000
SIVKIN H. ROBINSON, 0000
JUN R. RYAN, 0000
CHRISTOPHER P. SCRABA, 0000
JAMES P. SOMME, 0000
GARY B. SPINK, 0000
GEORGE J. SUNDGARD, 0000
CHRISTOPHER J. TONEY, 0000
MICHAEL E. TUCKLE, 0000
ROSANNA TRABOCCHI, 0000
MARK A. TRULZ, 0000
STEVEN C. TRUJILLO, 0000
DAVID A. VAUGHN, 0000
MATHIS WEGENER, 0000
RODREICK R. WALKER, 0000
JAMES A. WISE, 0000
WERNER B. WINZ, 0000

To be commander

TIMOTHY M. CUMMINS, 0000
DIAN J. DARDELL, 0000
MICHAEL R. DAY, 0000
ANDERS V. DELGADO, 0000
TIMOTHY D. DESHAY, 0000
PAUL E. DITTMAR, 0000
MARK F. DUGGAN, 0000
JEFFREY D. DOW, 0000
MICHAEL J. DRIBNIR, 0000
THOMAS P. DURAND, 0000
JAMES E. ELLIOTT, 0000
KENT W. EVRARD, 0000
MARK J. FIDOR, 0000
BOB J. FLEGENBILLIATT, 0000
LIZ E. FIELDS, 0000
PAUL A. FLINTON, 0000
CHARLES E. FOSSE, 0000
DANIEL J. FRANK, 0000
MICHAEL L. GALVIN, 0000
ROBERT C. GAUDREAU, 0000
KIVIN F. GAUDETTE, 0000
CLAUDIA C. GELZER, 0000
SHANNON N. GILLAM, 0000
LAURENCE G. GREENE, 0000
DUSTIN E. HALLAMCHAR, 0000
RICHARD C. HAMBLETT, 0000
ROBERT T. HANNAN, 0000
THOMAS W. HARKER, 0000
LONNIE P. HARRISON, 0000
ROBERT T. MENDROCK, 0000
GLENA T. HERNES-SANCHEZ, 0000
GLAEN C. HENNING, 0000
CHRISTOPHER M. HOLLINGSHEAD, 0000
RONALD J. HORN, 0000
RICHARD E. BOREN, 0000
FREDDY J. OTTE, 0000
ERIC G. JOHNSON, 0000
KIVIN A. JONES, 0000
THER L. JORDAN, 0000
VIRGINIA J. KAMMER, 0000
KIVIN M. KELNAT, 0000
BRINDA K. KIIS, 0000
LAURENCE A. KILEY, 0000
SUSAN R. KLEIN, 0000
NATHAN E. KNAPP, 0000
SUZANNE E. LRRIN, 0000
WILLIAM J. LANE, 0000
JOHN E. LANDIN, 0000
MICHAEL P. LIEBAUJ, 0000
JOSEPH J. LOCATO, 0000
SCOTT B. LEMASTER, 0000
CAROLLA J. LINDER, 0000
CHRISTIAN R. LUND, 0000
KIVIN C. LYNX, 0000
THOMAS B. MACDONALD, 0000
EDWARD J. MAROHIN, 0000
KRISTIN B. MARTIN, 0000
JOHN W. MAUGER, 0000
TIMOTHY J. MAY, 0000
DAVID G. MCCULLIAN, 0000
ROBERT S. MCCLURE, 0000
JEFFREY R. MCCULLAR, 0000
FATHER S. MECILLAULT, 0000
DARIS J. MCLNEN, 0000
KRITI P. MITGU, 0000
STEPHEN W. MOBSTER, 0000
NATHAN A. MOORE, 0000
MARK J. MOBURN, 0000
MITCHELL A. MORRISON, 0000
ANDREW D. MYERS, 0000
MICHAEL C. NININGORTH, 0000
DANIEL A. NORTON, 0000
PETER C. NOGLOS, 0000
RANDALL S. OGDYDZIAK, 0000
DAVID J. OCHLER, 0000
ANDREW M. RAID, 0000
STEPHEN R. RANET, 0000
MICHAEL W. RAYMOND, 0000
SEAN P. REGAN, 0000
PAUL K. REITZ, 0000
JONATHAN N. RIPE, 0000
BRADLEY JAMES A. WEIDEN, 0000
MELISSA L. RIVERA, 0000
GREGORY S. ROBERTSON, 0000
BRIAN W. ROCHE, 0000
RICHARD RODRIGUEZ, 0000
PATRICK A. ROFFF, 0000
MICHAEL T. ROSTAD, 0000
WILLIAM E. RUNDHILL, 0000
ORIN E. RUSE, 0000
JOSE A. SALISBROO, 0000
THOMAS J. SALVIERGO, 0000
EDWARD W. SAMADISKL, 0000
KARA M. SATRA, 0000
DAVID SAINTLY, 0000
TIMOTHY J. SCHANG, 0000
RAYE H. SMEDT, 0000
PATRICK H. SCHMIDT, 0000
DOUGLAS M. SCHOFIELD, 0000
JOSEPH B. SIMLETZAKRAG, 0000
ROBERT L. SMITH, 0000
ROGER A. SMITH, 0000
BRADLEY J. RIPKEY, 0000
GOLO K. RIDLE, 0000
NATHAN C. RICE, 0000
CARLOS A. TORRES, 0000
CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, September 21, 2006:

DEPARTMENT OF JUSTICE
KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF DEFENSE
FRANK R. JEMINEZ, OF FLORIDA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

IN THE NAVY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant commander
WILLIAM P. SMITH, 0000

IN THE AIR FORCE
THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major
JOSEPH COLULLA, 0000
DIANN B. GORDON, 0000
LAWRENCE KOSS, 0000
PANKAG GOYAL, 0000
RHONDA J. OSOFSKY, 0000

To be lieutenant general
MAJ. GEN. JOSEPH F. PETERSON, 0000

To be lieutenant general
LT. GEN. ROBERT D. BISHOP, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant colonel
CHARLES E. CLARK, 0000
EDWARD CULTER, 0000
DIANN B. GORDON, 0000
LAWRENCE KOSS, 0000
PANKAG GOYAL, 0000
RHONDA J. OSOFSKY, 0000

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. CHARLES C. CAMPBELL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general
MAJ. GEN. RAYMOND N. JOHNS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be rear admiral (lower half)
REAR ADM. PAUL S. STANLEY, 0000

IN THE NAVY
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)
CAPT. THOMAS F. ATKIN
CAPT. CHRISTOPHER C. COLVIN

CAPT. SYDNEY A. COOGAN
CAPT. DAVID T. GLENN
CAPT. MARY E. LANDRY
CAPT. RONALD J. RABAGO
CAPT. PAUL P. SEKUNKOFF

COAST GUARD NOMINATION OF TINA J. URBAN TO BE DEPUTY COMMISSIONER.

PUBLIC HEALTH SERVICE
PUBLIC HEALTH SERVICE NOMINATIONS BRINGING WITH JUDITH LOUISE RADER AND ENDING WITH RACHEL ANTONIA FEAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 27, 2006.


INSTITUTE OF MUSEUM AND LIBRARY SERVICES
SANDRA PICKETT OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 4, 2010.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

NATIONAL INSTITUTE FOR LITERACY
ELIZA MCFADDEN OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009.

NATIONAL BOARD FOR PROFESSIONAL STANDARDS FOR LIBRARIES
EUGENIA A. JORDAN OF GEORGIA, TO BE A MEMBER OF THE NATIONAL BOARD FOR PROFESSIONAL STANDARDS FOR LIBRARIES FOR A TERM EXPIRING JANUARY 26, 2012.

DEPARTMENT OF LABOR
RANDOLPH JAMES CHERHUE OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

NATIONAL SCIENCE FOUNDATION

DEPARTMENT OF EDUCATION
LAUREN M. MADDOX OF VIRGINIA, TO BE AS ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY- Constituted Committee of the Senate.

IN THE COAST GUARD
COAST GUARD NOMINATION OF TINA J. URBAN TO BE DEPUTY COMMISSIONER.

PUBLIC HEALTH SERVICE
PUBLIC HEALTH SERVICE NOMINATIONS BRINGING WITH JUDITH LOUISE RADER AND ENDING WITH RACHEL ANTONIA FEAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 27, 2006.
On the floor, Representative Ted Poe of Texas, said big changes can come from small places. For President Eisenhower and every American born since his time, big change came from a dusty old church pew. One early Sunday morning, Eisenhower ceremoniously went to Abraham Lincoln’s former church, where a new preacher, an immigrant, would re-shape Ike’s ideology.

That preacher described, in his Scottish accent, how he had no answer for his children when asked why God wasn’t in the Pledge of Allegiance.

He eloquently assured his children God was what made America better than any other country. So eloquently that Ike would see the pledge changed in a matter of months.

While activist judges and militant atheists want you to believe that taking God out of school and government is the right thing to do, 91 percent of Americans disagree. They still believe “in one nation, under God, indivisible, with liberty and justice for all.”

We have proved that we will not bow to terrorists. But 91 percent of Americans also vow not to bow to extremist judges and a tiny atheist minority.

Americans overwhelmingly support “One Nation Under God” so much that they are giving their children’s lives to save it. That’s just the way it is.

RESOLUTIONS OF INQUIRY ON MAHER ARAR

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. MARKEY. Mr. Speaker, I rise today to speak about Maher Arar, whose treatment at the hands of American officials is a stain upon our national conscience.

During a layover in New York’s JFK airport in September 2002, Mr. Arar, who was born in Syria but who now holds Canadian citizenship, was seized by American officials. He was held without access to a lawyer for two weeks in the United States, then transferred briefly to Jordan, and finally to Syria. Mr. Arar was imprisoned in Syria for 10 months, most of the time in a dark underground dungeon the size of a closet. He was tortured both physically and psychologically, and forced to make false confessions, including that he had attended an al-Qaeda terrorist training camp in Afghanistan. Maher Arar was finally released a year after he was seized in New York, never having been charged with any crime.

When he was in American custody in New York, Maher Arar demanded to speak to a lawyer. He was denied. He demanded to speak to a judge. He was denied. He asked the American officials not to send him to Syria, as he knew he would be tortured there. Of course, the Americans did not need to be told that Syria routinely tortures its prisoners, as the U.S. State Department lists Syria in its annual Human Rights report as a country that practices torture. Yet Maher Arar was sent to Syria for interrogation, where he was brutally tortured, just as the American officials involved in his rendition must have known he likely would be.

Maher Arar was the victim of the Bush administration’s program of “extraordinary rendition,” whereby prisoners in American custody are sent abroad for interrogation in other countries, sometimes to places such as Syria and Uzbekistan that are known to routinely practice torture. This is a disgusting practice that brings dishonor to the United States of America, and ultimately endangers our troops in the field by validating the use of torture all over the world. Extraordinary rendition is nothing more than a license to torture, and this program must come to an immediate halt. The Torture Outsourcing Prevention Act, which I introduced in this House over a year and a half ago, would end the practice of extraordinary rendition. But the Republican leadership has refused to bring the Torture Outsourcing Prevention Act to the floor for a vote.

Mr. Speaker, we don’t have many details on the case of Maher Arar, because the Bush administration has refused to divulge any information on its program of extraordinary rendition and the rubber-stamp Republican Congress have refused to conduct any meaningful oversight over this program. Now that the President has admitted that the CIA operated secret prisons all over the world, the Congress must step up to the plate and conduct true oversight on the President’s program of extraordinary rendition.

This week, the official Canadian inquiry into the case of Maher Arar, which focused on the role that Canadian officials played in his rendition, released its report. The Arar Commission report clears Maher Arar of any wrongdoing, and concludes that he was indeed transferred to Syria by the United States, where he was tortured. American authorities were invited to testify before the Arar Commission, but refused.

Canada has now completed its investigation into the injustice done to Mr. Arar by Canadian officials, who without any evidence of wrongdoing told the U.S. he had connections with terrorist organizations. Mr. Speaker, now this Congress must initiate our own investigation into the role that U.S. officials played in this affair. We must know the truth of what happened to Maher Arar, why it happened, upon whose orders, and upon what justification.

That is why I have today introduced five separate Resolutions of Inquiry requesting copies of all documents in the possession of the United States Government that may relate, in any way, to Maher Arar. These five Resolutions direct the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General to provide Congress with all documents and records in their possession relating to Maher Arar. The same request is made of the President, in order to ensure that any documents in the possession of the White House or the Intelligence Community are also provided forthwith.

The Congress, and the American people, must learn the truth of what was done to Maher Arar. I urge my colleagues to support these Resolutions of Inquiry.

RECOGNIZING JASON ANDREW HEjl FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jason Andrew Hejl, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Jason has been very active with his troop, participating in many scout activities. Over the many years Jason has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jason held the principal leadership position of Venturing Crew President and has actively supported VFW Post 7356 in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jason Andrew Hejl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BALDWIN SCHOOL DISTRICT

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mrs. McCARTHY. Mr. Speaker, I rise today to recognize the exceptional individuals at Baldwin School District, an institution which renders significant contributions to the educational development and social enrichment of youth.

The future of this country depends on the hopes and dreams of its children, our community, and our Nation, and is enhanced by the contributions of those who serve as mentors and those who make mentoring programs safe and strong.

The Baldwin School District and its leadership have promoted and supported mentoring...
programs through an innovative partnership which brings together dedicated teachers, businesspeople, and community volunteers with students. Baldwin’s programs have been a bridge of understanding which have highlighted the talents and determination of its young people and the devotion of the teachers, businesspeople, and community leaders who give their time and commitment to mentoring.

The mentoring process brings benefits to youth, the caring adults who guide them, and by extension to the community, the business world, and the people whom Baldwin’s innovative mentoring program is outstanding.

Mr. Speaker, it is with pride and admiration I offer my thanks and recognition to the Baldwin School District.

IN HONOR OF HOSPICE OF THE WESTERN RESERVE

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Hospice of the Western Reserve as it celebrates the opening of its Lakewood Office. The new office will enable the Hospice to provide more quality care to the people of Lakewood.

Hospice of the Western Reserve is a community-based agency that provides comfort and care as well as emotional support to its patients and their families. Regardless of age, disease, or ability to pay, all are welcomed to the Hospice. Serving more than 1,000 patients daily, The Hospice of the Western Reserve is the largest program of its kind in Ohio and the fourth largest in the country.

In addition to pain alleviation, the Hospice also offers social, psychosocial and spiritual support for both patients and family members. The Hospice is ever increasing its ability to provide quality care and support and enhancing quality of life.

Mr. Speaker and colleagues, please join me in honor and recognition of the Hospice of the Western Reserve and the opening of its Lakewood office. Providing quality assistance to those who need it most, the Hospice stands as a monument to palliative care and end-of-life service.

RECOGNIZING AMERICAN CADET ALLIANCE

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to express my support and appreciation for the American Cadet Alliance and its recent establishment of a cadet unit located at the Hammer Field Army National Guard Armory in Fresno, CA. Tracing its heritage to 1909, the American Cadet Alliance is America’s oldest national Cadet Corp.

The American Cadet Alliance was founded as the Colonel Cody’s Boy Scouts by Captain James H.C. Smyth in 1909. Shortly thereafter, the Colonel Cody’s Boy Scouts was reorganized as the American Naval and Marine Scouts. The American Naval and Marine Scouts continued to evolve and through numerous reorganization efforts, the efforts of the American Nautical Alliance, Inc., and the Maritime Brigade came full circle with the eventual merger of the two to form the American Cadet Alliance.

The American Cadet Alliance is led by a team of professional officers who currently serve on a voluntary basis. The American Cadet Alliance is a career-exploration program, providing young men and women with leadership skills and teaching them how to make informed decisions regarding future service in the Armed Forces. Through a multifaceted cadet program, the importance of national pride, service to others, and maintaining a drug-free and gang-free lifestyle serve as hallmarks of the American Cadet Alliance message.

Under the leadership and sponsorship provided by the Central California Chapter of the Association of the United States Army, and with assistance from the Fresno Recruiting Company of the United States Army Recruiting Command, and guidance from local, State, and national military leaders, current and prospective participants will prove to benefit from the character building skills evident throughout the cadet program.

Mr. Speaker, I rise today in recognition of the contributions Poland has made in the ongoing operations in Afghanistan and Iraq. Poland has been a steadfast ally of the United States, and I thank the Polish people and government for their friendship.

Poland has been a steadfast ally of the United States, and I thank the Polish people and government for their friendship.

HONORING THE CONTRIBUTIONS OF POLAND IN AFGHANISTAN AND IRAQ

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of the contributions Poland has made in the ongoing operations in Afghanistan and Iraq. Poland has been a steadfast ally of the United States, and I thank the Polish people and government for their friendship.

Poland has enjoyed strong ties with Poland since our Nation’s founding. During the American Revolution, Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko made valuable contributions in securing our Nation’s independence. Today, over 30 percent of my district and 9 million Americans across our country can claim Polish ancestry.

The Polish and American Governments have enjoyed close, bilateral relations since 1989, when Poland became a free, democratic, and independent nation. Since that time, Poland has made dramatic strides in securing its democracy, improving its economy, and developing strong relationships with its neighbors in Europe and abroad. This is evident in Poland’s joining of NATO in 1999 and the European Union in 2004.

In addition to its membership in NATO, Poland’s military has been very active in United Nations peacekeeping forces and has played a vital role in the operations in Iraq and Afghanistan. Poland currently has 1,000 troops deployed in Iraq, and when a recent call went out to NATO nations asking for reinforcements to Afghanistan, Poland was the first to respond, pledging 900 additional troops to that country.

Today, along with the Caucasus, Central and Eastern Europe, Poland has the honor of hosting the chief of general staff of Polish Armed Forces, General Gagor. General Gagor is a distinguished soldier and a proven leader. I have no doubt that under General Gagor’s watch the Polish military will continue to make valuable contributions to peace around the world.

I ask my colleagues to join me today in honoring Poland’s contributions in Afghanistan and Iraq to recognize Poland as one of our Nation’s most important allies.

NATIONAL ADDICTION RECOVERY MONTH

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to call our attention to National Addiction Recovery Month this September, and I encourage all my colleagues to join me in recognizing and commending those who commit their time and effort to addiction recovery.

In 2005, an estimated 19 million Americans used illicit drugs. The impact of this pandemic is not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. Addiction is a disease, and it must be attacked as such. No one is immune from addiction, as it afflicts people of all ages, all races, all classes, and all professions.

As with any serious disease, the treatment for addiction relies on great amounts of research and advances in health sciences. There have been tremendous strides in the fight against addiction. Congress allocates billions of dollars each year on addiction research at the National Institutes of Health. The NIH is a leader in this regard, and it has committed funds to research on addiction, including research on how addiction takes over the brain, the body, and the central nervous system. We must continue to fund NIH at the level it deserves so that scientists can unlock the mysteries of addiction and its impact on individuals and society.

Today, September 20, 2006, is National Addiction Professionals Day, and I applaud the hard work and dedication of addiction counselors who must encounter daily the difficult task of prevention, intervention, and treatment. The research on addiction that NIH conducts can only benefit by individuals and their families and by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. Addiction is a disease, and it must be attacked as such. No one is immune from addiction, as it afflicts people of all ages, all races, all classes, and all professions.

As with any serious disease, the treatment for addiction relies on great amounts of research and advances in health sciences. There have been tremendous strides in the fight against addiction. Congress allocates billions of dollars each year on addiction research at the National Institutes of Health. The NIH is a leader in this regard, and it has committed funds to research on addiction, including research on how addiction takes over the brain, the body, and the central nervous system. We must continue to fund NIH at the level it deserves so that scientists can unlock the mysteries of addiction and its impact on individuals and society.
our steadfast fight against drug and alcohol addiction. I look forward to the day when addiction to drugs and alcohol are eradicated, and these wonderful professionals can take their final bow.

RECOGNIZING JESSE CASH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jesse Cash, a very special young man who has exemplified the finest qualities of citizenship, leadership, and patriotism by being named one of the Boy Scouts of America, Troop 633, in earning the most prestigious award of Eagle Scout. Jesse has been very active in his troop, participating in many scout activities. Over the many years Jesse has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Jesse held the principal leadership position of Venturing Crew President and has actively supported the ministry of Heartland Presbyterian Center.

Mr. Speaker, I proudly ask you to join me in commending Jesse Cash for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF EVY DUBROW

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Evelyn Kahan Dubrow who passed away on June 20, 2006. Known to her friends and colleagues as “Evy”, she dedicated her life to the public service of worker’s rights in the United States for over 5 decades. Known on Capitol Hill as the lobbyist everyone loves, Evy had the ability to be a unifier and inexorable activist for the power of the people. As a union activist and general advocate for working families from across the country, Evy’s accomplishments ranged from being named one of Washington Magazine’s Top 100 Women to winning the Presidential Medal of Freedom.

From a humble upbringing as the daughter of immigrant Belorussian factory workers, Evy rose to become one of America’s most notable labor organizers. Her ability to not stray from her roots while still embracing a wide variety of viewpoints led to her success as a civil rights activist and a champion of the average American.

Her distinguished career in labor organizing eventually led her to Washington, DC, where she became a pillar of the movement as an unflinching and vigilant lobbyist for the International Ladies Garment Workers Union.

Her accomplishments were honored in 1999 nationally when President Clinton named her a recipient of the Presidential Medal of Freedom. Upon meeting Evy Dubrow, President Clinton said that she was a tiny woman, larger than life. The President went on to note her candor, strength, and dedication to being the champion of the impoverished.

Indefatigable until the end, Evy lived until age 95 and never lost her passion for human rights and the spirit of each individual person.

Mr. Speaker and colleagues, please join me in honoring the memory and recognizing the great accomplishments of Evy Dubrow in the field of labor organizing. For over 50 years, Evy Dubrow stood for the strength, resolve, and gritty integrity of millions of working class Americans.

STUDENT AND TEACHER SAFETY ACT OF 2006

SPEECH OF
HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 2006

Mr. SCOTT of Virginia. Mr. Speaker, Maintaining school safety is an important objective of school administrators and communities around the country, but this bill will only serve to complicate the lives of school officials and probably violate students’ Constitutional rights in the process.

In 1969, the Supreme Court stated in Tinker v. Des Moines 393 U.S. 503 (1969) that students do not “shed their constitutional rights when they enter the schoolhouse door.” While Tinker was a free speech case, the principle applies here as well. The vague legislative language of H.R. 5295 would lead school officials to believe that they have the authority to conduct searches that could be at odds with the standards set out by the Supreme Court in the 1985 decision of New Jersey v. TLO, 469 U.S. 325 (1985), the 1 guiding case on this issue, in which the Court attempted to strike a balance between student privacy and school discipline and safety.

While this bill correctly requires that school officials have “reasonable suspicion” before conducting a search of a student, it describes too broadly the purpose and the scope of the search that school administrators can conduct. The bill incorrectly suggests that school officials can conduct random, wide scale searches of students without having any individualized suspicion that a particular student to be searched is participating in criminal activity or breaking the school rules.

When school officials do not focus student searches on individuals who are suspected of violating the law or school rules, the results of the searches are often fruitless. School administrators will do more to improve children’s safety by concentrating on suspicious behavior and credible information from teachers and students that school officials or criminal laws are being broken, than by conducting widespread unsubstantiated searches.

This legislation is well intentioned, it nonetheless constitutes bad policy and is constitutionally unsound. Even if the language in the bill accurately reflects today’s constitutional standards, Court decisions are often modified by subsequent decisions. School officials may therefore find themselves in the future caught between complying with an obsolescent statute or obeying the modified Court decision and risking the loss of funding under the bill.

School districts have a long history of abiding by search and seizure policies that are consistent with court rulings. This legislative directive is unnecessary and will only serve to further complicate the lives of students and teachers. This is the reason why the American Federation of Teachers, National School Board Association, the Council of the Great City Schools, the National PTA, the American Association of School Administrators and the ACLU all oppose the bill. I urge my colleagues to vote no.

PENIEL RESIDENTIAL DRUG AND ALCOHOL TREATMENT CENTER CELEBRATES 25TH ANNIVERSARY

HON. JOHN P. MURTHA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. MURTHA. Mr. Speaker, I rise today to recognize the 25th anniversary of a community service organization in my congressional district. Housed in Tanneryville, a suburban area near the city of Johnstown, PA, Peniel Residential Drug and Alcohol Treatment Center is a successful comprehensive treatment program that offers help to both men and women 18 years of age and older who are suffering from the effects of substance abuse.

Through the use of an individualized treatment plan, each client has his or her needs addressed on a personal level for the length of the treatment period, which is between 12 and 18 months.

The aim and driving force behind the Peniel program is to help people overcome their addictions and learn how to live effective and productive lives as contributing members of their communities.

Treating roughly 45 patients at a time on a revolving basis, Peniel has helped hundreds of people break the chains of drug and alcohol addiction through a religious, community-centered program.

One of the best and most gratifying by-products of the program is the considerable number of graduates who now call the Johnstown area their home, having successfully integrated back into society as business owners and community leaders leading a healthy life.

In addition to equipping each resident with the ability to maintain his or her sobriety, Peniel empowers clients to manage their immediate environment and to have a positive influence in their homes, churches and communities following completion of the program.

Again, I offer my congratulations to Peniel for reaching the milestone of its 25th anniversary. I am confident that, with such excellent programs, the organization will continue to be a vital asset to the region for another 25 years and beyond.
IN HONOR OF MABEL BURCH NORWOOD’S 100TH BIRTHDAY

HON. MICHAEL T. McCaul
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. McCaul of Texas. Mr. Speaker, I rise today to honor the 100th birthday of Mabel Burch Norwood. Mabel was born on September 20, 1906 in Del Valle, Texas to John Clarence Burch and Ida Mae Jones.

On February 26, 1924 Mabel married James Edward Norwood. Together they had 6 daughters, Marie Roberts, Betty Ball, Harriett Humphrey, Dorothy Burchard, Earline Hocker and Barbara Parr. She has 14 grandchildren, 15 great grandchildren, 11 great, great grandchildren, 3 great, great, great grandchildren and 47 living descendants. What an accomplishment.

In the earlier years of her life, Mabel enjoyed staying home raising her family. She also enjoyed teaching Sunday school at Haynie’s Chapel United Methodist Church where she taught for 41 years.

On this, her 100th birthday, I know I speak for her family, friends, my constituents and the Members of the House of Representatives in wishing her a very happy birthday.

RECOGNIZING JOHN WILLIAM PERKOWSKI FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Graves. Mr. Speaker, I proudly praise to recognize John “Will” Perkowski, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

“Will” has been very active with his troop, participating in many scout activities. Over the many years Will has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Will held the principal leadership position of Venturing Crew Secretary and has actively supported recreational therapy programs within regional hospitals. Will has donated over 100 man-hours of concert time through his chorus and barbershop quartet performances.

Mr. Speaker, I proudly ask you to join me in commending John Perkowski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF FLOSSIE COLLINS

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Kucinich. Mr. Speaker, I rise today in memory and recognition of Flossie Perry Collins who passed away on September 8, 2006. A beloved mother, grandmother, and local democratic organizer, Flossie embodied the true spirit of the Democratic Party both publicly and in her daily life.

Born in Newville, Alabama, Flossie moved to Cleveland, Ohio after graduating from school where she married Frederick Douglas Collins and began a career as a nurse. Upon her retirement, Flossie dedicated herself to her community by becoming an active volunteer for organizations including the Cub Scouts, Girl Scouts, War 19 Democratic Club, the Parent Teacher Association, the Gunning Recreation Center. Her service to her community stands as a beacon of the American Spirit of dedication to civic improvement and rich cultural development.

Her steadfast loyalty to volunteering for charitable and meaningful causes locally earned Flossie lifetime friendships and the respect of many that knew her. The programs she spearheaded, including after school activities for at-risk youth and an effort to improve undeveloped neighborhoods through community interaction, became staples to the cultural development of the Cleveland area.

Flossie’s unwavering courage and commitment to core values such as honesty, integrity, grace, and love were strengthened and reinforced by a deep faith in God and a sturdy foundation in the true principles of Christianity. For over 60 years, Flossie embodied these principles through being an active member and leader in the Gethsemane Baptist Church. Though she held many titles and performed many duties for the church, her passion was in singing. To her, the choir brought together the voices of many people and bound them together in unity and community—just as she did in her life.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the accomplishments of Flossie Collins as a woman who stood for true American values.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Kennedy of Minnesota. Mr. Speaker, I was unavoidably detained yesterday, September 15, 2006, however, my vote on the following rollcall would have been as follows: roll No. 451, H. Con. Res. 210—yea, roll No. 452, H. Res. 622—yea, roll No. 453, H. Con. Res. 415—yea.

PAYING TRIBUTE TO THE 40TH SEASON OF “BOUND FOR GLORY”

HON. MAURICE D. HINCHLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Hinchley. Mr. Speaker, I rise today to honor the beginning of the 40th season of “Bound for Glory.” This radio show is a weekly live broadcast from Cornell University in Ithaca, New York. Over the years this nationally acclaimed program has become a distinguished and beloved musical institution in the Ithaca community and beyond. I am very proud of my constituents who have produced this esteemed radio show that has become so widely enjoyed.

From its creation in 1967, “Bound for Glory” has been committed to producing outstanding folk music and showcasing a broad range of musicians. “Bound for Glory”, with its founder and long-time host Phil Shapiro, has produced over 1,200 live folk concerts and is North America’s longest running radio show that still features live concerts. In this era where spontaneity is the exception rather than the norm on commercial radio, Bound for Glory provides a welcome reprieve. Today, the show is also broadcast online through the Internet and is accessible far beyond WVBR’s FM listeners.

American folk music is in its renaissance due in no small part to programs like “Bound for Glory”. Society and culture have changed greatly since 1967, but “Bound for Glory” has remained a consistent and enduring treasure. Mr. Speaker, it gives me great pleasure to recognize “Bound for Glory” as it enters its 40th year on the air. I believe that the passion of its listeners, programmers, and guest artists will ensure that this program continues to thrive.

PERSONAL EXPLANATION

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Wolf. Mr. Speaker, earlier today I was at Arlington National Cemetery attending the funeral with full military honors for LCDR James Edwin Plowman, a missing-in-action Navy pilot shot down in 1967 in Vietnam, whose remains were positively identified after military investigators found his crash site several years ago. He was the father of James Plowman, Jr., Commonwealth’s attorney for Loudoun County in my congressional district. Had I been present and voting, I would have voted “yea” on rollcall 454, the motion to consider H. Res. 1015, the SAFE Act, H.R. 4844, Federal Election Integrity Act of 2006.

RECOGNIZING THOMAS LAWRENCE WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. Graves. Mr. Speaker, I proudly pause to recognize Thomas Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

“Will” has been very active with his troop, participating in many scout activities. Over the many years Williams has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Williams held the principal leadership position of Venturing Crew Secretary and has actively supported recreational therapy programs within regional hospitals. Williams has donated over 100 man-hours of concert time through his chorus and barbershop quartet performances.

Mr. Speaker, I proudly ask you to join me in commending Thomas Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.
Mr. Speaker, I proudly ask you to join me in commending Thomas Williams for his accomplish-ments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THOMAS J.
HARRINGTON FOR OVER FORTY
YEARS OF SERVICE TO LOCAL 33
OF THE UNITED BROTHERHOOD
OF CARPENTERS AND JOINERS
OF AMERICA

HON. STEPHEN F. LYNCH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts and across our nation. Tommy Harrington is a remarkable labor leader with a long and illustrious career in the United Brotherhood of Carpenters and Joiners of America, Massachusetts.

Tommy joined the Carpenters Apprenticeship Program in 1966 after graduating from Boston Technical High School. During his tenure, he held several prestigious positions in Carpenters Local 33, the Massachusetts State Council of Carpenters and the New England Regional Council of Carpenters. In 1989, after twenty-three years in the field as a carpenter and Union Steward, he became a Business Agent for Local 33. In 1990, he was elected President of the Massachusetts State Council of Carpenters, an office which he held until 1993. Following this esteemed position, he became the Business Manager of Local 33 and was elevated to the position of Financial Secretary.

In September of 2001, Tommy reached the pinnacle of his career when he achieved the position of Executive Financial Secretary-Treasurer of the New England Regional Council of Carpenters. Tommy’s personal integrity, hard work and determination illustrate the best qualities of those who serve the working men and women of this country.

Although he has held many of the most official positions in Local 33, Tommy is best known for the personal relationships he cultivated with the men and women he worked with on a daily basis. Anyone who has had the privilege to call Tommy a colleague or friend knows that he is one of the most thoughtful, caring and compassionate individuals, always putting the safety and welfare of his union carpenters first.

Tommy has also set an example as a model citizen. His civic involvement can be seen in the numerous causes he has actively supported. Tommy has worked tirelessly on behalf of the pine Street Inn and Rosie’s Place volunteering his time and energy. He has participated in charity events for organizations like the Boys and Girls Clubs of Boston and the South Boston Health Center.

Despite his various accomplishments, as his friend I can honestly say that the title that Tommy has always been most proud of and which he cherishes most, is the title of husband and father. Tommy has had the enormous pleasure and tremendous good fortune to be married to his wife Ginny for over thirty-five years. They are the proud parents of two lovely and adoring daughters, Heather and Cindy.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Tommy Harrington’s family, friends and brothers and sisters of labor to honor forty years of outstanding service to the American Labor Movement. I hope my colleagues will join me in celebrating Tommy’s distinguished career and wishing him good health and God’s blessing in all his future endeavors.

RECOGNIZING THE 80TH ANNIVERSARY
OF THE DADE CITY WOMEN’S CLUB BUILDING

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, unfortunately, I am unable to be with you for the 80th anniversary celebration of the Historic Dade City Women’s Club Building. I know that you have worked long and hard to make this a successful event, and today’s ceremony is clear proof that your efforts were successful. Unfortunately, I am unable to attend the celebration because I have to vote in Congress in Washington, DC.

For nearly 100 years, the Women’s Club has played a leading role in the Dade City community. From city beautification efforts, to educational seminars, to helping meet the needs of the area during times of war, the Women’s Club has many achievements of which to be proud.

This year marks the 80th anniversary of the construction of the current Women’s Club historic building. Since 1926, the clubhouse has been a meeting place for thousands of Pasco County women. Today, the site is used as a community center for area residents, in addition to being the home of the Dade City Women’s Club.

A building with so much history within its walls, in 1985 the clubhouse was designated as an historical site by the Pasco Historical Society. In 2003 was added to the prestigious National Register of Historic Places. Generations of Pasco County women have called this building home, and today’s anniversary celebration is a fitting testament to its beauty, longevity and historic value to the entire Dade City Community.

Although I was unable to attend the 80th anniversary celebration, I appreciate the Women’s Club’s continued support and commitment to the residents of Dade City. Keep up the good work and know that you have my thanks for improving the lives and economy of Pasco County residents.

RECOGNIZING BYRON DEVLIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Byron Devlin, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 633, and in earning the most prestigious award of Eagle Scout.

Byron has been very active with his troop, participating in many scout activities. Over the years, he has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Byron held the principal leadership position of Senior Patrol Leader and has actively supported the Ministry of Heartland Presbyterian Center.

Mr. Speaker, I proudly ask you to join me in commending Byron Devlin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONDEMNING THE REPRESSION OF THE IRANIAN BAHA’I COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHA’IS

What Would War Look Like?

The first message was routine enough: a “Prepare to Deploy” order sent through naval communications channels to a submarine, an Aegis-class cruiser, two mine-sweepers and two mine hunters. The orders didn’t actually command the ships out of port; they just said to be ready to move by Oct. 1. But inside the Navy those messages generated more buzz than usual last week when the second request, from the Chief of Naval Operations (CNO), asked for fresh eyes on long-standing U.S. plans to blockade two Iranian oil ports on the Persian Gulf. The CNO asked for analysis on how a blockade of those strategic targets might work. When he didn’t like the analysis he received, he ordered his troops to work the lash up once again.

What’s going on? The two orders offered tantalizing clues. There are only a few places in the world where mineweepers top the list of U.S. naval requirements. And every sailor, petroleum engineer and hedge-fund manager knows the name of the most important: the Strait of Hormuz, the 20-mile-wide bottleneck in the Persian Gulf which roughly 40% of the world’s oil needs to pass each day. Coupled with the CNO’s request for a blockade review, a deployment of mine-sweepers to the west coast of Iran would seem to suggest that a much discussed—but until now largely theoretical—prospect has become real: that the U.S. may be preparing for war with Iran.

No one knows whether—or alone when—a military confrontation with Tehran will come to pass. The fact that admirals are reviewing plans for blockades is hardly proof of their intentions. The U.S. military routinely makes plans for scores of scenarios, the vast majority of which will never be put into practice. “Planners breeds”—is how a Pentagon official. Asked about the orders, a second official said only that the Navy is...
stepping up its “listening and learning” in the Persian Gulf but nothing more—a prudent step, he added, after Iran tested surface-to-ship missiles there in August during a two-week exercise. And he said the State Department to the White House to the highest reaches of the military command, there is a growing sense that a showdown may be hard to prevent. Iran has a substantial nuclear weapons program that has stolen the show and is the top worry in the zone. Since the 1979 Islamic revolution, Iran has sponsored terrorist groups in a handful of countries, but it’s backing of Hizollah, the militant group based in Lebanon, which has a foothold in war with Israel this summer, seems to be changing the Middle East balance of power. There is no other country in the world that can launch cruise missiles as well, but their warheads are generally too small to do much damage. A Princeton International Security Council specialist who taught strategy at the National War College, said that a U.S. strike might be used for secondary targets. An operation of that size would probably be surgical. Many sites are in heavily populated areas, so civilian casualties would be likely.

Whatever the order of battle, a U.S. strike would have a lasting impression on Iran’s rulers. U.S. officials believe that a campaign of several days, involving hundreds or even thousands of sorties, could set back Iran’s nuclear program by 2 to 3 years. Hit hard enough, some believe, Iran’s leaders might decide to consider the government’s designs as a regional nuclear power. Some U.S. foes of Iran’s regime believe that if the U.S. attack comes early enough, the ruling clerics would face in the wake of a U.S. attack.

It is also likely that the U.S. could carry out a massive attack and still leave Iran with some part of its nuclear program intact. It’s possible that U.S. warplanes could destroy every known nuclear site—while Tehran’s nuclear wizards, operating at other, undiscovered sites even deeper underground, could continue to work without knowing where it all is,” said a White House official, “so we can’t get it all.”

WHAT WOULD COME NEXT?

No one who has spent any time thinking about an attack on Iran doubts that a U.S. operation would reap a whirlwind. The only mystery is what kind. “It’s not a question of whether we can do a strike or not and whether the strike could be effective,” says retired Marine General Anthony Zinni. “It certainly would be, to some degree. But are you prepared for what that would mean?”

Retired Air Force Colonel Sam Gardiner, who taught strategy at the National War College, has been conducting a mock U.S.-Iranian game for infrared sensors for the past 5 years. Virtually every time he runs the game, Gardiner says, a similar nightmare scenario unfolds: the U.S. attack, no matter how successful, spawns a variety of asymmetrical retaliations by Tehran. First comes terrorism: Iran’s initial reaction to air strikes might involve a Hizollah attack on Israel, in order to draw Israel into the war and rally public support at home.

Iran might try to foment as much mayhem as possible inside the two nations on its flanks, Afghanistan and Iraq, where more than 160,000 U.S. troops hold a tenuous grip. Iran among the 14 countries that support a “ impartial” talks in Geneva, France and Britain, Iran could launch cruise missiles as well as transport and rescue helicopters in case pilots were shot down by Iran’s aging but possibly still effective air force. U.S. submarines could extend its reach by loading huge amounts of fuel—sighted by satellite, spotter aircraft—onto B-61 and B-2 bombers and fighter planes.

GPS-guided munitions and laser-targeted bombs—sighted by satellite, spotter aircraft and unmanned vehicles—would do most of the bunkering. But because many of the satellites are hard to protect, a combination of re-inforced concrete, most would have to be hit over and over to ensure that they were destroyed or sufficiently damaged. The U.S. would use the same system to refuel tanks as well as search-and-rescue helicopters in case pilots were shot down by Iran’s aging but possibly still effective air force.
The latest such urging was released here Thursday by the Iran Policy Committee (IPC), a group headed by a former National Security Council staffer Ray Tanter, several retired senior military officers, and a former ambassador to Saudi Arabia.

The 30-page document, “U.S. Policy Options for Iran” by former Central Intel-
gency (CIA) officer Clare L. George, ap-
ppears to reflect the views of the administra-
tion’s most radical hawks among the Pen-
gton’s civilian leadership and in the office of Vice President Dick Cheney.

It was Cheney who launched the latest bout of saber-rattling when he told a radio interviewer last month that he was “right at the top of the list” of the world’s trouble spots and that Israel may strike at suspected Iranian nuclear sites even before the U.S.

The study echoes many of the same themes—mainly support for the Iranian ex-
iled and internal opposition against the gov-
ernment—another was released by the mainly neoconservative Committee on the Present Danger (CPD) in December, but it is also much harsher.

The IPC favors military strikes against suspected nuclear and other weapons facilities if that was the only way to prevent Tehran from acquiring nuclear weapons, and end the regime change.

But the CPD paper, which had the influen-
tial backing of former Secretary of State George Shultz, called for a “peaceful” strat-
yegy that involved elements of both engage-
ment and nonviolent subversion similar to that pursued by Washington in Poland and elsewhere in Central Europe, particularly during the 1980s.

The latest report does grant a role for “carrots” in achieving a delay in Iran’s nu-
clear ambitions and even in regime change, although the IPC’s members expressed greater 
skepticism that the US talks will be ef-
cfective or even desirable.

“Negotiations will not work,” said Maj. Gen. (ret.) Paul Vallely, chairman of the military committee of the neoconservative Center for Security Policy, who described the Iranian regime as “Israel’s greatest enemy.”

Instead, the IPC’s main emphasis is on more aggressive actions to bring about the desired goals, including military strikes and aid to the Iranian opposition.

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The IPC favors military strikes against suspected nuclear and other weapons facilities if that was the only way to prevent Tehran from acquiring nuclear weapons, and end the regime change.
stands with the people of Iran in their struggle for freedom.

Bush and others in the White House view Iran as the West’s chief nemesis. “If there was anything left to save Iran, it would have been the courage to do, and ‘that saving Iran is going to be his legacy.’”

One former defense official, who still deals with sensitive issues for the Bush Administration, told me that the military planning was premised on a belief that a “sustained bombing campaign that would target religious leadership and lead the public to rise up and overthrow the government.” He added, “I was shocked when I heard it, and asked myself, ‘What are they smoking?’”

The rationale for regime change was articulated in early March by Patrick Clawson, an Iran expert who is the deputy director for Near East Policy and who has been a supporter of President Bush. “So long as Iran has an Islamic republic, it will have a nuclear-capable military,” Clawson said.

A senior Pentagon adviser on the war on terror expressed a similar view. “Saving Iran is saving America,” the advisor said, referring to the terror group that appears to be running the Iranian government.

The House member said that no one in the Administration had discussed their content with his colleagues, told me that there had been “no formal briefings,” because “they’re reluctant to brief the minority. They don’t want to brief the minority.”

Bush and others in the White House view Iran as the West’s chief nemesis. “If there was anything left to save Iran, it would have been the courage to do,” Clawson said.

When I spoke to Clawson, he emphasized that “this Administration is putting a lot of effort into diplomacy.” However, added, Iran had no choice other than to accede to America’s demands or face a military attack. Clawson said that he fears that Ahmadinejad and his regime are well-prepared to defend the country is to have a nuclear capability.”

A military conflict that destabilized the region could also increase the risk of terrorism. “As soon as Al Qaeda comes into play, the problem is to change the power structure in Iran, and that means war,” he said. The danger, he said, was that “it also reinforces the belief inside Iran that the only way to defend the country is to have a nuclear capability.”

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used to threaten Gulf shipping. That means targeting the cruise-missile sites and the Iranian diesel submarines. . . . Some of the facilities may be too difficult to target even with conventional weapons. The U.S. will have to use Special Operations units.

One of the military’s initial option plans, as presented to the House Armed Services Committee, calls for the use of a bunker-buster tactical nuclear weapon, such as the B61–11, against underground nuclear sites. The former defense official said, ‘‘Terrorists would have the three-dimensional entity to carry these, and put them to sleep.’’

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A gap, the nuclear infrastructure, could not insure the destruction of facilities. ‘‘There are very strong sentiments within the military against brandishing nuclear weapons against other countries,’’ the official said.

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There is a Cold War precedent for targeting deep underground bunkers with tactical nuclear weapons. In the early nineteen-eighties, the Soviet government began digging a huge underground complex outside Moscow. Analysts concluded that the underground facility was designed for ‘‘continuity of government’’—for the political and military leadership in the event the capital was under attack. The nuclear warheads were similar facilities, in Virginia and Pennsylvania, for the American leadership. The Soviet facility still exists, and much of what the U.S. knows about it is classified.

The ‘‘tell’’—the giveaway—was the ventilator shafts, some of which were disguised,” the former senior intelligence official told me. ‘‘At the time, he said, it was determined that ‘only nukes’ could destroy the bunker. He added that some American intelligence analysts believe that the Russians had helped the Iranians develop underground nuclear sites.

‘‘Terrorists would have the three-dimensional entity to carry these, and put them to sleep.’’

‘‘They’re telling the Pentagon that we can build the B61 with more blast and less radiation,’’ he said.

The report’s author, the deputy chair of the Defense Science Board, is William Schneider, Jr., an Under-Secretary of State in the Reagan Administration. In January, 2001, as President Bush prepared to take office, he was involved on an ad-hoc panel on nuclear forces sponsored by the National Institute for Public Policy, a conservative think tank. The panel’s report recommended treating tactical nuclear weapons as an essential part of the U.S. arsenal and noted their suitability ‘‘for those occasions when the certain and prompt destruction of the target is essential and beyond the promise of conventional weapons.’’

Several signers of the report are now prominent members of the Bush Administration, including the national-security adviser; Stephen Cambone, the Under-Secretary of Defense for Intelligence; and Robert Joseph, the Under-Secretary of State for Arms Control and International Security.

The Pentagon adviser questioned the value of all-strike options. ‘‘The Iranians have distributed their nuclear activity very well, and we have no clue where some of the key stuff is. It could even be out of the country,’’ he said. He warned, as did many others, that bombing Iran could provoke ‘‘a chain reaction’’ of attacks on American facilities and citizens throughout the world: ‘‘What will 1.2 billion Muslims in the Middle East do? With or without the nuclear option, the list of targets may inevitably expand. One recently retired high-level Bush Administration official, who is also an expert on war planning, told me that he would have vigorously argued against an air attack on Iran, given the lack of local intelligence about mushroom clouds, radiation, mass casualties, and contamination over years. This is not an underground nuclear weapon, he said. But, he added, ‘‘If you’re going to do any bombing to stop the nukes, you might as well improve your lie across the board. Who do you see in the camps, and clear up a lot of other problems.’’

The Pentagon adviser said that, in the event of a nuclear attack, the Air Force intended to strike many hundreds of targets in Iran but that ‘‘ninety-nine percent of them have nothing to do with proliferation. There are a lot of other targets’’—that the Administration can achieve its policy goals in Iran with a bombing campaign, an idea that has been supported by some officials.

If the order were to be given for an attack, the American combat troops now operating in Iran would be in position to mark the critical targets with laser beams, to insure bombing accuracy and to minimize civilian casualties. As of early winter, I was told by the government consultant with close ties to the military that American intelligence analysts were working with minority groups in Iran, including the Azeris, in the north, the Baluchis, in the southeast, and the Kurds, in the west. The terrain is very rugged, and the intelligence community was watching the local tribes and shepherds, and recruiting scouts from local tribes and shepherds, who would be ‘‘on the ground’’—raising the question of security. One official said: ‘‘Give me the ocular proof.’’ The broader aim, the consultant said, is to ‘‘encourage ethnic tensions’’ and undermine the regime.

The new mission for the combat troops is a product of Defense Secretary Rumsfeld’s recent initiatives. The one-time chairman of the Joint Chiefs of Staff sought to remove the nuclear option as an option in the Pentagon’s Quadrennial Defense Review, published in February. Such activities, if conducted by C.I.A. operatives, would need a Presidential Finding and would have to be reported to key members of Congress.

‘‘Force protection’’ is the new buzzword, the former senior intelligence official told me. He was referring to the Pentagon’s position that clandestine activities that can be identified as American military engagement or battlefield or protecting troops are military, not intelligence, operations, and are therefore not subject to congressional oversight. ‘‘The longer this goes on, he said, ‘‘the more likely there are a lot of uncertainties in Iran,’’ he said. ‘‘We need to have more than what we had in Iraq. Now we have the green light to do every-thing we want.’’

The President’s deep distrust of Ahmadinejad has strengthened his determination to confront Iran. This view has been reinforced by allegations that Ahmadinejad, who joined a special-forces brigade of the Revolutionary Guards in 1986, may have been involved in terrorist activities in the late eighties. (There are gaps in Ahmadinejad’s official biography in this period.) Ahmadinejad has been reportedly con- victed by Iran’s security forces in Tehran of defrauding the Islamic Republic’s economy. He has been implicated in the deadly bombings of the U.S. Embassy and the U.S. Marine barracks in Beirut, in 1983. Mughniyeh was then the security chief of Hezbollah; he remains on the F.B.I.’s list of most-wanted terrorists. Robert Baer, who was a C.I.A. officer in the Middle East and elsewhere for two decades, said in an interview that Ahmadinejad, a Revolutionary Guard colleague in the Iranian govern- ment ‘‘are capable of making a bomb, hitting it, and launching it at Israel. They’re a couple of guys. They’re Mossad agents in Tel Aviv and you believe they’ve got nukes and missiles—you’ve got to take them out. These
guys are nuts, and there's no reason to back off.

Under Ahmadinejad, the Revolutionary Guards have expanded their power base throughout the bureaucracy. By the end of January, they had replaced thousands of civil servants with their own members. One former National Security Council official, who has extensive experience with Iran, depicted the turnover as “a white coup,” with ominous implications for the West. “Professional, experienced, moderate ministers are beginning to be kicked out,” he said. “We may be too late. These guys now believe that they are stronger than ever since the revolution. They see the consideration of China’s emergence as a superpower. Iran’s attitude was ‘To hell with the West. You can do as much as you like.’

Ira Khan, a former supreme religious leader, Ayatollah Khameini, is considered by many experts to be in a stronger position than Ahmadinejad. “Ahmadinejad is not in control,” one European diplomat told me. “Power is diffuse in Iran. The Revolutionary Guards are among the key backers of the nuclear program, but, ultimately, I don’t think they are in charge of it. All power has the capacity to vote on the nuclear program, and the Guards will not take action without his approval.”

The vice president of the United States, Joseph ElBaradei, the I.A.E.A.’s director-general, who won the Nobel Peace Prize last year, and Robert Joseph, the Under-Secretary of State for Arms Control, said recently that Iran’s heavy-handedness was unneces-

sary, the diplomat said, since the I.A.E.A. already had been invited to take a hard stand against Iran. “All of the inspectors are angry at being misled by the Iranians, and some think the Iranian leadership are nutcases—one hundred percent totally certified nuts,” the diplomat said. He added that ElBaradei’s overreaching concern is that the Ira-

nian leaders “want confrontation, just like our Iran is a direct threat to the national security of the United States and our allies, and we will not tolerate it. We want you to give us an understanding that you will not say anything publicly that will un-

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I announced that Iran is one to two years away from building a nuclear bomb. ‘We may be too late. These guys now believe that they are stronger than ever since the revolution. They see the consideration of China’s emergence as a superpower. Iran’s attitude was ‘To hell with the West. You can do as much as you like.’

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derscore us.”

The threat of American military action has created dismay at the headquarters of the Bush Administration. In Vienna, I was told of an exceedingly tense meeting between Mohamed ElBaradei, the I.A.E.A.’s director-general, who won the Nobel Peace Prize last year, and Robert Joseph, the Under-Secretary of State for Arms Control. ElBaradei’s message was blunt, one diplomat recalled: “We cannot have a single centrifuge spinning in Iran. Iran is a direct threat to the national security of the United States and our allies, and we will not tolerate it. We want you to give us an understanding that you will not say anything publicly that will un-
derscore us.”

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derscore us.”

Another diplomat in Vienna asked me, “Why would the West take the risk of going to war against that kind of target without giving it to the I.A.E.A. to verify? We’re low-cost, and we can create a program that will force Iran to put its cards on the table.” A Western Ambassador in Vienna expressed similar distress at the White House’s dismis-

sion of the I.A.E.A. He said, “If you don’t believe that the I.A.E.A. can establish an inspec-
tion system—if you don’t trust them—you would not have this event.”

There is little sympathy for the I.A.E.A. in the Bush Administration or among its Euro-

pean allies. “We are quite frustrated with the I.A.E.A.,” one British diplomat told me. “His basic approach has been to de-
scribe this as a dispute between two sides
with equal weight. It’s not. We’re the good guys! ElBaradei has been pushing the idea of letting Iran have a small nuclear-enrichment program, which is ludicrous. It’s not his job to come up with ideas that pose a serious proliferation risk.”

The Europeans are rattled, however, by their American ally’s reluctance even as the Bush and Vice-President Dick Cheney believe a bombing campaign will be needed, and that their real goal is regime change. “Everyone has a different view about the Iranian bomb, but the United States wants regime change,” a European diplomatic adviser told me. He added, “The Europeans have a different view about the Iranians and are very concerned about the possibility of a military response. They are not sure how different viewpoints among the Europeans and the Americans can coexist. It may be untenable.”

“The Brits think this is a very bad idea,” Flynt Leverett, a former National Security Council staff member who is now a senior fellow at the Brookings Institution’s Saban Center, told me, “but they’re really worried we’re going to do something stupid.” The European diplomatic adviser acknowledged that the British Foreign Office was aware of war planning in Washington but that, “short of a smoking gun, it will be particularly difficult to dissuade the Europeans on Iran.” He said that the British “are jumpy about the Americans going full bore on the Iranians, with no compromise.”

The European diplomatic said that he was skeptical that Iran, given its record, had admitted to everything it was doing, but “to the best of our knowledge the Iranian capability is not at the point where they could successfully run centrifuges” to enrich uranium as a point of no return. Another European diplomatic adviser told me, Iran’s “essential pragmatism.” The “war option, in its best interests,” he said. Iran’s leaders “take a hard-line approach on the nuclear issue and they want to call the American bluff,” believing “that the tougher they are the more likely the West will fold.” But, he said, “From what we’ve seen with Iran, they will appear superconfident until the moment they back off.”

The diplomat went on, “You never reward bad behavior, and this is not the time to try to offer concessions. We need to find ways to impose sufficient costs to bring the regime to its senses. It’s going to be a close call, but I think that the environment is changing in the opposite direction.” A retired defense official dismissed the strategic consequences of such actions. He told me that the U.S. Navy could keep shipping open by conducting salvage missions and putting minesweepers to work. “It’s impossible to block passage,” he said. The government consultant with ties to the Pentagon added, “The oil price remained largely unchanged, with a resigned shrug.”

Another European official told me that he was aware that many in Washington wanted to use the summer lull in Iran’s nuclear action, he said, with a resigned shrug. “There is a belief that diplomacy is doomed to fail. The timetable is short.”

A key ally with an important voice in the debate is Israel, whose leadership has warned for years that it viewed any attempt by Iran to begin enriching uranium as a point of no return. “There is no return,” the diplomat said that the White House’s interest in preventing an Israeli attack on a Muslim country, which would provoke a backlash across the region, is a “serious threat.” “It’s a threat to world peace.” He added, “I made it clear, I’ll make it clear again, that we will use military might to protect our ally Israel.”

Any American bombing attack, Richard Armitage told me, would have to consider the following questions: “What will happen in the oil markets? Will Iran, being able to do what the Iranians could do in the past, keep America running for sixty days. However, those in the oil business spoke to the opposite: one industry official estimated that if Iran cut oil production by 50 billion barrels, it would cause the price spike to anywhere from ninety to a hundred dollars per barrel, and could go higher, depending on the duration and scope of the conflict.”

Hon. Peter Hoekstra, Chairman, House of Representatives, Permanent Select Committee on Intelligence, Washington, D.C.

Sir: I would like to draw your attention to the fact that the Staff Report of the House Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy, dated 23 August 2006, entitled “Recognizing Iran as a Strategic Threat: An Intelligence Challenge for the United States”, contains some erroneous, misleading and unsubstantiated information.

The caption under the photograph of the Natanz site on page 9 of the report states that “Iran is currently enriching uranium to weapons grade using a 194-machine centrifuge cascade.” In this regard, please be informed that information about the uranium enrichment work being carried out at the Pilot Fuel Enrichment Plant (PFEP) at Natanz, including the 3.6% enrichment level that had been achieved by Iran, was provided to the IAEA Board of Governors by the Director General in April 2006 (GOV/2006/27, paragraph 31). The description of this enrichment level as “weapons grade” is incorrect, since the term “weapon-grade” is commonly used to refer to uranium enriched to the order of 90% or more in the isotope of uranium-235. The Director General’s April 2006 report, as well as all of his other reports on implementation of the nuclear agreements in Iran, are posted on the IAEA’s website at http://www.iaea.org/NewsCenter/Focus/Iran

The first bullet on page 10 of the report states that “Iran had covertly produced the short-lived radioactive element polonium–210 (Po–210), a substance with two known uses: a neutron source for a nuclear weapon and satellite batteries.” The use of the phrase “covertly produced” is misleading because the production of Po–210 is not required to be reported by Iran to the IAEA under the NPT safeguards agreement concluded between Iran and the IAEA (published in IAEA document INFIRC/214). (Regarding the production of Po–210, please refer to the report provided to the IAEA Board of Governors in November 2004 (GOV/2004/38, paragraph 80)).
The IAEA openly clashed with the Bush administration on pre-war assessments of weapons of mass destruction in Iraq. Relations all but collapsed when the agency re- leased a scaled-back version of a report alleging that Iran’s nuclear programme is to construct weapons. In addition, the report contains an outrageous and dishonest suggestion that such work had been conducted by adorable men who were not adhering to any unadulterated IAEA policy barring IAEA inspectors from telling the whole truth about the Iranian nuclear program.

Furthermore, the IAEA Secretariat takes strong exception to the incorrect and misleading assertion in the Staff Report’s second full paragraph of page 13 that the Director General, Yukiya Amano, and a senior safeguards inspector of the IAEA, “for allegedly raising concerns about Iranian deception regarding its nuclear program” in the agency’s communication to the United Nations Security Council, which inter alia, “concerns which inter alia, regarding its nuclear program.” In the paragraphs above, the document notes that all safeguards agreements concluded between a State and the IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons require the IAEA to accept a State’s designation of Agency safeguards inspectors, before such inspectors may be sent to the State on inspection (INF/CIRC/153 (Corr.), paragraphs 9 and 85). Under such agreements, each State has the right to object to the designation of any safeguards inspector, and to request the withdrawal of the designated inspector, at any time, for that State (http://www.iaea.org/Publications/Documents/Inferences). Accordingly, Iran’s request should be granted to withdraw or change the designation of Mr. Charlier allowing him to carry out safeguards inspections in Tehran. The IAEA notes that the text of the report was also incorrect, noting that the agency’s understanding of Iran as a threat raised important questions:

(1) Was the text of the report given to DNI Negroponte in advance of the public release?

(2) Did the DNI recognize those claims made in the report that were wrong or impossible to substantiate, including one that the IAEA could not substantiate?

(3) Did the DNI recognize those claims made in the report that were demonstrably wrong or impossible to substantiate, including one that the IAEA could not substantiate?

(4) In its response to the Committee, did the DNI admit that the report’s allegations were incorrect?

The IAEA notes that the report’s allegations made significant factual errors.

Yours sincerely,

VILMOS CSERVENY
Director, Office of External Relations and Policy Coordination.

[From washpost.com, Sept. 14, 2006]

U.N. Inspectors Dispute Iran Report by House Panel

(Compiled by Dina Linzer)

U.N. inspectors investigating Iran’s nuclear program angrily complained to the Bush administration and to a Republican congressman yesterday about a recent House committee report that contains cases that are either demonstrably wrong or impossible to substantiate, to officials familiar with the report.

The report, released last month by the House Intelligence Committee, said that the IAEA did not review the report prior to its publication. Yet, the final report, released by the House Intelligence Committee, said that the IAEA did review the report.

The agency noted five major errors in the report, which said Iran had a 200 Amano safeguards inspectors, before such inspectors may be sent to the State on inspection (INF/CIRC/153 (Corr.), paragraphs 9 and 85). Under such agreements, each State has the right to object to the designation of any safeguards inspector, and to request the withdrawal of the designated inspector, at any time, that State (http://www.iaea.org/Publications/Documents/Inferences). Accordingly, Iran’s request should be granted to withdraw or change the designation of Mr. Charlier allowing him to carry out safeguards inspections in Tehran. The IAEA notes that the text of the report was also incorrect, noting that the agency’s understanding of Iran as a threat raised important questions:

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CONGRATULATING SPECTROLAB ON ITS 50TH ANNIVERSARY

HON. HOWARD L. BERNAM
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BERNAM. Mr. Speaker, I rise today with my colleague BRAD SHERMAN (CA–27) to pay tribute to Spectrolab, a subsidiary of the Boeing Company, on its 50th anniversary and to celebrate the delivery of its two millionth solar cell.

Spectrolab is honored to represent many of Spectrolab’s employees and are proud of their great accomplishments.

Spectrolab is the world’s leading manufacturer of space solar cells and solar panels. Throughout the years, Spectrolab solar cells and solar panels have powered more than 500 satellites and interplanetary missions, including the Spirit and Opportunity rovers, which are still exploring the surface of Mars. Also, all of the solar panels on spacecraft on Mars are manufactured by Spectrolab.

In 1956, Spectrolab was founded by a group of engineers who began providing high-quality optical filters and mirrors for government systems. In 1958, Pioneer 1 carried the company’s first body-mounted solar panels into space. Shortly thereafter, Explorer 6 was the first satellite to use Spectrolab’s solar arrays, and Spectrolab’s first solar cell panel was placed on the moon by Apollo’s mission in 1969. Galaxy 11C, the world’s highest-capacity satellite, launched on June 15, 2002 carrying the latest solar cell technology developed and manufactured at Spectrolab. Its contributions to the space industry cannot be overstated.

Spectrolab is well respected in its industry and has received a myriad of well-deserved accolades. NASA’s George M. Low Award for Supplier Quality and Excellence was given to Spectrolab in 2004. Also, Spectrolab’s multijunction cells were inducted into the Space Technology Hall of Fame by the United States Space Foundation that same year.

Currently, Spectrolab scientists are working to build and test solar cells for concentrator systems that may one day generate inexpensive and renewable electricity for America’s cities and towns. Their expertise in space photovoltaic products earned Boeing the contract to build solar concentrator cells for a leading renewable energy company.

Spectrolab’s product portfolio includes terrestrial concentrator solar cells and panels, searchlight systems, solar simulators and photodetector products. More than 90 percent of all law enforcement aircraft and helicopters worldwide use Spectrolab’s Nightsun searchlight systems.

It is with pleasure and gratitude that we salute Spectrolab for its extraordinary accomplishments over the past fifty years.

TERRORIST ATTACKS ON 9/11

HON. CLIFF STEARNS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. STEARNS. Mr. Speaker, it has been more than five years since the terrorist attacks of September 11. In looking back, we have
made great progress uprooting the terrorists from their havens and liberating millions of people. We also have provided our law enforcement and intelligence agencies with new tools to combat these threats.

Yet, there is so much more to do. We are at war against terrorism. We must protect our borders and work to control our borders, how can we prevent those who would murder us from entering our nation?

Millions attempt to enter our nation illegally every year, and many are apprehended. I commend our border patrol for their fine work under the recent international challenges. We have crossed the border successfully in the past five years, and we do not know how many are terrorists.

Our borders are another battlefield in the War on Terror.

THE CHARLES B. RANGEL INTERNATIONAL AFFAIRS PROGRAM

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, I rise to share with my colleagues my presence in the House of the participants in an important and exciting program today, The Charles B. Rangel International Affairs Program, and to welcome these extraordinary young people to their period of service in the Congress. The Charles B. Rangel International Affairs Fellowship Program was initiated from my desire that the State Department’s Diplomatic Corps abroad would reflect the rich diversity represented by the American people at home. The program presents young adults from diverse backgrounds the opportunity to learn, participate, and become a part of the United States’ diplomatic corps.

This program is a successful collaboration between the Congress, the State department, and Howard University, which administers the program with a cross-section of colleges and universities across the country. Former Secretary of State Colin L. Powell introduced the program on May 17, 2002 at a State Department ceremony and Secretary of State Condoleezza Rice has expressed her profound support for continuing and expanding this initiative.

In the last 2 years, the components of the Rangel Program were reviewed and evaluated by the State Department and were found to satisfy the stringent requirement for inclusion in the Department’s prestigious Diplomacy Fellows Program. This milestone achievement has included the program in the distinguished ranks of such programs as the Presidential Management Interns, the American Association for the Advancement of Science, and the Boren, Fascell, and Pickering Fellows Programs. At a result, fellows who successfully complete the Rangel Program and the State Department requirements will automatically receive employment offers and appointments to the Foreign Service.

In addition, I would like to personally welcome the 2006 Charles B. Rangel Fellows: Brandon Jackson, a graduate of Cornell University, who will attend Stanford University, who will attend Tufts Fletcher School of Law and Diplomacy in the Fall, serving in Rep. Adam B. Schiff’s office; Teresa Williamson a graduate of Dillard University who will attend Yale University in the Fall, serving in Rep. Donald M. Payne’s office; Sara Michelle Garcia of the University of Central Florida who will attend the University of Denver’s School of International Studies, serving in Rep. Jose E. Serrano’s office; Chansonet Hall, a graduate of Penn State University, who will attend the University of Pittsburgh’s School of Public International Affairs serving in Rep. Gregory W. Meeks’ office; Yehia Hanan, a graduate of Howard University, who will attend Georgetown University’s School of Public Policy, serving in Sen. Joseph R. Biden’s office; Marcus Jackson, a graduate of Florida A&M University who is serving in Rep. Elie H.F. Faleomavaega’s office; Paloma Gonzalez, a graduate of Lewis and Clark College, who will attend Georgetown University’s School of Foreign Service, serving in Rep. Barbara Lee’s office; and Brandon Jackson, a graduate of Cornell University, who will attend Georgetown University’s School of Foreign Service, serving in my office.

I have been eagerly awaiting your arrival. I have read each and every single one of your bios and I am extremely impressed with all of your diverse areas of study and accomplishments. I know your experience on the Hill will be an invaluable help to you in the Foreign Service.

I also want to take this opportunity to thank my colleagues and friends for the invaluable experiences they are providing and for personally hosting a Rangel Fellow in their offices. The experiences to be obtained during their time in the House of Representatives will provide insight that is a special and unique part of this program. This Capitol Hill exposure and experience will be particularly useful as they enter the State Department as junior Foreign Service Officers. Thank you for the wonderful opportunities that you are providing this summer.

I am extremely proud of this program and its contribution to the country. I believe that in America, diversity is our strength. With our nation’s growing international involvement, there could be no better time than now to attract the very best, the brightest, and the most diverse talent available to represent the American people and champion our interests in every corner of the globe.

RECOGNIZING CHRISTOPHER RAY DEAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Dean, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

I join with your family and friends in expressing best wishes on your significant achievement. I commend you on attaining such a high honor and your superior contributions to your community. Showing particular dedication to the children at Children’s Mercy Hospital, Christopher developed an activity for the patients. Being recognized for your remarkable achievement is not hard work and dedication. I am sure you will continue to hold such high standards in the future.

Mr. Speaker, I proudly ask you to join me in commending Christopher Ray Dean for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout. I am honored to represent Christopher in the United States House of Representatives.

RECOGNIZING AND HONORING FILIPINO WORLD WAR II VETERANS

HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. HONDA. Mr. Speaker, yesterday this House voted and unanimously passed H. Res. 622, to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II. While I applaud the House’s long due recognition to the bravery and commitment of these Filipino veterans in the service of the United States military, I must stress that our responsibility in Congress is not yet complete. A great injustice was perpetrated on the Filipino veterans, and Congress must correct it.

On July 26, 1941, President Roosevelt ordered the Commonwealth Army of the Philippines to serve under the United States military command. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor, and more than 120,000 Filipinos fought under the command of General Douglas MacArthur during World War II. These soldiers won for the United States the precious time needed to disrupt the enemy’s plan for conquest of the Pacific. At the time of recruitment, the United States government promised that all members of the armed forces who fought for our Nation would be treated as U.S. veterans for the purposes of their benefits.

Congress unfortunately withdrew this promise through the Rescission Act of 1946, which stated that the service of these Filipino soldiers “shall not be deemed to be or have been service in the military or naval forces of the United States”. While some Filipino veterans now receive full veterans’ benefits, many others are still waiting for the Congress to do the right thing, and restore the benefits that were promised to them nearly six decades ago.

Although H. Res. 622 recognizes the brave men and women who sacrificed to keep our country safe, the resolution does not fully restore justice to these brave patriots. H.R. 4574, the Filipino Veterans Equity Act, would amend the Rescission Act of 1946, restoring their honor and their veteran status as was promised.

Mr. Speaker, these WWII heroes are in the twilight of their lives, and time is running out for Congress to fully recognize their service. H. Res. 622 recognizes the brave men and women who sacrificed to keep our country safe, the resolution does not fully restore justice to these brave patriots. H.R. 4574, the Filipino Veterans Equity Act, would amend the Rescission Act of 1946, restoring their honor and their veteran status as was promised.
IN HONOR OF FRANK H. BASS
HON. KEVIN BRADY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today in honor of a dear friend, Frank H. Bass from The Woodlands, TX who passed away after suffering a stroke on September 15, 2006. Mr. Bass was a true servant to society and left a lasting impression on all he encountered.

Frank was proud to call The Woodlands his home since 1985 where he served in numerous positions throughout public, private, and corporate sectors. Prior to this he graduated from Mercer University where he received his undergraduate and Doctorate degrees and served valiantly in the United States Navy.

After a lengthy career with Florida Power Corporation in St. Petersburg Florida, he came to Texas to serve as the Director of Legal Services for the Texas Municipal Power Agency. Following this, he served Montgomery County first as an Assistant County Attorney and then as the elected County Attorney for two 4-year terms.

In 2011, Mr. Bass was appointed Associate Judge to hear cases relative to Children's Protective Services in several Texas counties.

Judge Bass was truly a natural on the bench and was renowned for his kindness, fairness, compassion, even-handedness, and his intolerance for those who mistreated children.

Continuing in his serving nature, Judge Bass also served on the boards of The Woodlands Community Association and the Montgomery County Women's Center. Notably, he was also a founding member of the Town Center Improvement District.

Judge Bass was an active leader in many areas of the community and his leadership, service, and the example he set will be missed by all. He is survived by his wife of 29 years Diane, and their four grown children Mark, Jeff, Michele and Michelle.

Mr. Speaker, Frank was a rare individual whom I will miss greatly. Thank you for helping me honor Judge Bass, one of the most kind-hearted individuals I know.

IN RECOGNITION OF THE RETIREMENT OF CHIEF PETTY OFFICER PHILLIP P. WHITE, UNITED STATES NAVY
HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. MILLER of Florida. Mr. Speaker, it is my great honor to recognize Chief Petty Officer Phillip P. White's retirement on September 1, 2006, from the U.S. Navy. Chief White proudly held the line among the brave sailors of the U.S. Navy for more than two decades.

On a daily basis he diligently worked for the betterment of the Florida Gulf Coast region. While an active duty sailor he participated in naval operations that assisted in locating and identifying numerous historic shipwrecks in the Pensacola Bay area. In the wake of the tragic hurricanes of last year, Chief White valiantly returned to active duty status to lend his brawn to the recovery effort.

On behalf of a grateful nation, I extend my deep appreciation to Phillip Paul White for his service to Florida and our country. My best wishes on a happy retirement, and continued success, Chief.

CELEBRATING THE RIGHT EXCELLENT DR. MARCUS MOSIAH GARVEY
HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, it is my honor and privilege to stand on the floor of the United States House of Representatives to pay tribute to Jamaica's favorite son and national hero, The Right Excellent Dr. Marcus Mosiah Garvey. Dr. Marcus Mosiah Garvey had “One God, One Aim, One Destiny” for his life. That venerable aim was the “Redemption of Africa”. He was born in St. Ann’s Bay, Saint Ann, Jamaica on August 17, 1887. Marcus Garvey was a publisher, journalist, entrepreneur, crusader for Black Nationalism, and founder of the Universal Negro Improvement Association and African Communities League.

Garvey advocated policies that were designed to promote social, political, and economic freedom for Blacks, including launching the Black Star Line Corporation and its successor company, the Black Cross Navigation and Trading Company. He was at the forefront of developing upon the belief that Blacks should have a permanent homeland in Africa. Marcus Garvey asserted, “Our success educationally, industrially and politically is based upon the protection of a nation founded by ourselves. And the nation can be nowhere else but in Africa.” Garvey was a deep believer in race improvement through self-empowerment which undercut the “Doctrine of Inferiority” that plagued the minds of Blacks throughout the Diaspora. The Garvey Movement was an emerging force that spoke to the pride of being Black and the richness of Black ancestry. Garvey sought respect for Africans and dignity for those dispersed from its shores.

Garvey furthered the paradigm of redemption and uplift of his race by establishing the Universal Negro Improvement Association and African Communities League in 1914 in Jamaica. Through the UNIA–ACL Garvey championed the cause of Africa and proclaimed that until Africa is free and redeemed, not only in name but dignity, no one would be free, Black or White. Garvey was a firm believer in the “Brotherhood Concept” to say, all of our destinies are inextricably linked together by the “Parenthood of God.” Moreover, the Creator has a purpose for everyone that he has created and that purpose does not include slavery or subjugation for any circumstances.

Garvey is credited with being the first to get millions of African Americans to see themselves as a mighty race, accomplish what you will.

On behalf of a grateful nation, I extend my deep appreciation to Phillip Paul White for his service to Florida and our country. My best wishes on a happy retirement, and continued success, Chief.

Garvey wanted every Black throughout the Diaspora to commit to self-awareness, confidence, conviction and action. Only then would Africa become free and the bonds of condemnation fall and shatter.

Marcus Garvey was a scholar, a leader and a statesman who gave his life to mother Africa and Black people. History records that Garvey attracted an unprecedented following, enjoyed by no previous Negro leader. Garvey sought to eradicate the evils that plagued Black existence. He believed that “Chance has never yet satisfied the hope of a suffering people,” but it will take measurable deliberate action toward the destiny that God has prepared.

In the 1920’s, Marcus Garvey built the largest Black-led mass movement this country has ever seen. There was never a leader like him, before or since. In nearly all matters relating to the resurgence of African people, in this country and abroad, there is recognition of this man and his movement that seemed impossible in his lifetime. His prophesy has been fulfilled in the independence explosion that brought more than 30 African nations into being. The concept of Black Power that he advanced, using other terms, is now a reality in large areas of the world now governed by people of African origin. From the year of his arrival in the United States, in 1916, until his deportation in 1927, the community of Harlem, my home, was his window on the world. I am so proud that, from the work in my community he launched a great movement and became one of the most significant leaders of the 20th century.

Mr. Speaker, Jamaica's first national hero, the “Right Excellent Marcus Garvey,” is honored in many ways throughout the world. If you visit New York City’s Harlem neighborhood, you will find a park named after his Excellency. If you travel across the shores and visit Nairobi, Kenya, you can walk down a major street named after Marcus Garvey. If you should visit Lorton, Hampton, you can drop in to the Marcus Garvey Centre. In Kingston the building housing the Ministry of Foreign Affairs bears his name, and in St. Ann there is a secondary school named after him. Marcus Garvey is celebrated and memorialized across the world and now it is my pleasure to honor him now in the “People’s House.”

Mr. Speaker, on August 17th, people from all over the world will celebrate Marcus Garvey’s birthday. We will celebrate him as a leader, a friend of Africa and a lover of Black people throughout the world. Even now, I can hear the reverberation of his words, “Up you mighty race, accomplish what you will.”

CONGRATULATING AUDREY RUST FOR HER WORK AT THE PENINSULA OPEN SPACE TRUST
HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 2006

Mr. LANTOS. Mr. Speaker, I rise today to honor Ms. Audrey Rust for her tireless efforts to preserve the natural beauty of the San Francisco Peninsula. For nearly twenty years, Audrey Rust has been the CEO of the Peninsula Open Space Trust, an organization that has been highly effective in protecting well over 55,000 acres of land in San Mateo and
Santa Clara Counties, California. I congratulate her for this great achievement, and I am proud that she resides in my congressional district.

The Peninsula Open Space Trust (POST) owes much of its great success to Ms. Rust’s ability to create partnerships between public agencies, private donors, and the community to bring significant tracts of land under permanent protection. Highlights of POST’s work include securing the preservation of the 7,357-acre Greywater Ranch, the 3,681-acre Driscoll Ranch, the 1,623-acre Bair Island Redwood Preserve in Redwood City, and the 2,438-acre Rancho Cañada del Oro in San Jose. Also, POST played a significant role in the creation of Cowell Ranch State Beach. When it opened in 1995, it was the first state beach created in California since the early 1980s.

Mr. Speaker, one of the most impressive preservation efforts by Ms. Rust and POST was saving the Rancho Corral de Tierra from planned development. The 4,262-acre region contains awe-inspiring views, rich farmlands, important watersheds, miles of public trails, and diverse wildlife. Under Ms. Rust’s leadership, POST was able to secure millions from private donors to purchase this beautiful land. Senator Feinstein and I were inspired by the pristine grandeur of Rancho Corral de Tierra and introduced to include the ranch within the boundary of Golden Gate National Recreation Area. We were successful in that effort with the passage of Public Law 109-131 in this Congress.

Prior to her years of leadership at POST, Ms. Rust worked with the Sierra Club, and Yale and Stanford Universities. She has served on the boards of numerous local, state, and national organizations, primarily in the fields of conservation and housing. Over the years, Ms. Rust has received several major awards, including the Times Mirror-Chevron National Conservationist of the Year Award, the League of California Voters Environmental Leadership Award, the Cynthia Pratt Laughlin Medal, the Garden Club of America’s top environmental honor, and the Jacqueline Kennedy Award from JFK University for her achievements in land conservation.

Mr. Speaker, I urge my colleagues to join me in congratulating Audrey Rust for her integral role in preserving the natural landscape of one of our nation’s most beautiful regions. I am inspired by Ms. Rust’s dedication to maintaining the pristine beauty of the San Francisco Peninsula.

Expressing Sense of the House of Representatives on Fifth Anniversary of Terrorist Attacks launched Against the United States on September 11, 2001

Speech of Hon. Bob Etheridge
Of North Carolina
In the House of Representatives
Wednesday, September 13, 2006

Mr. ETHERIDGE. Mr. Speaker, today the House considered House Resolution 994, to commemorate the 5th anniversary of the tragic events of September 11, 2001. Most of us were here in Washington on that fateful day, and after the attacks we knew our lives had changed forever. Although I may not agree with every provision of this resolution, I voted for it to support our troops and to commemorate that tragic day.

House Resolution 994 is an effort to honor those thousands of innocent people who lost their lives that day. We remember the bravery and sacrifice of the first responders, law enforcement officers and rescue personnel who worked feverishly to save them. This resolution also recognizes the brave men and women of our armed services who responded with authority, precision and when needed, force, to root out the cowardly perpetrators and protect Americans and our interests both here and abroad.

Although we pause on September 11th to reflect and say thanks, on this day we must also renew our commitment to securing the homeland and protecting our values every day.

It is our responsibility to remove bureaucratic roadblocks and provide our Nation’s first responders with the interoperable communications equipment they so sorely need. We must seek the correct balance between securing our Nation and protecting the civil rights that serve as the basis of our enduring democracy.

And we must honor our commitment with continued support of our troops overseas.

It seems like only yesterday when this Nation joined together in recognition that the forces that divide us from one another can never overcome the transcendent unity we have as Americans.

Five years ago Members of Congress stood shoulder to shoulder on the step of this Capitol and pledged to work together to remember this day and honor the sacrifice of the fallen.

This is a pledge we should remember every day and not just once a year.

Supporting the Goal of Eliminating Suffering and Death Due to Cancer by the Year 2015

Speech of Hon. Gene Green
Of Texas
In the House of Representatives
Tuesday, September 19, 2006

Mr. GREEN of Texas. Madam Speaker, I rise in support of H. Con. Res. 210, to support the goal of eliminating suffering and death due to cancer by 2015.

Cancer is one of the most dreaded diagnoses a person can get. Every one of us has been affected by cancer, whether personally or through the experience of a family member or loved one.

In fact, cancer affects one out of every two men and one out of every three women in our country. According to the American Cancer Society, 1.3 million new cancer cases will be diagnosed this year, with 1,500 Americans dying from cancer every single day.

While the statistics are still staggering, the promise of a cure is closer than we had ever imagined. Thanks to the commitment of the Federal Government and our research institutions, cancer rates declined by nearly 10 percent in the last 15 years and new treatments are being developed every day.

Dr. Andrew von Eschenbach, the former Director of the National Cancer Institute, set a goal for the country to eliminate suffering and death due to cancer by 2015. In my hometown of Houston, we were proud to have Dr. von Eschenbach serve at MD Anderson Cancer Center, one of the top cancer centers in the country in terms of both research and patient care. With all of his experience as a leader in the field of cancer research, I am confident that his hope for a cure is within reach.

Mr. Speaker, I proudly ask you to join me in commending Daniel Cummings for his accomplishments with the Boy Scouts of America, and for his efforts put forth in achieving the highest distinction of Eagle Scout.

Recognizing Daniel Cummings
For Achieving the Rank of Eagle Scout

Speech of Hon. Sam Graves
Of Missouri
In the House of Representatives
Thursday, September 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel Cummings a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 312, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Daniel Cummings for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

Honoring the 15th Anniversary of Armenia’s Independence

Speech of Hon. John Conyers, Jr.
Of Michigan
In the House of Representatives
Thursday, September 21, 2006

Mr. CONYERS. Mr. Speaker, today I rise to honor and recognize the 15th anniversary of Armenia’s independence. Armenia’s independence was first recognized on September 21, 1991, marking it as one of the first nations to declare its independence from the former Soviet Union. Building upon the foundations of the first Armenian Republic of 1918, today’s Armenian Government has, in the years since independence, strengthened democracy and the rule of law, promoted free-market reforms, and sought a just and lasting peace in the region.

Since declaring independence from the former Soviet Union, Armenia emerged from its Soviet-styled centrally planned economy, based on industry and highly dependent on outside resources, to an economy developing and relying on new sectors, such as precious stone processing and jewelry making, information and communication technology, and even tourism.

With its steady economic progress, Armenia has rightfully earned increasing support from the
international institutions. As the 2005 Transparency International Corruption Perception Index chart, where Armenia ranked 88th out of 158th, shows, Armenia has earned this support. Furthermore, according to the 2005 U.N. Human Development Report, Armenia has a Human Development Index of 83 out of 177, and ranks the highest among the Transcaucasian republics. Finally, in recognizing the country’s continuing efforts to move away from its Soviet past, it cannot be overlooked that in this year’s Index of Economic Freedom, Armenia ranked 27th best, tied with Japan, countries like Norway, Spain, Portugal and Italy. The rank puts Armenia in the category of “Mostly Free” countries, making it the most economically free state in the Commonwealth of Independent States.

No recognition of Armenia would be complete without acknowledging the fantastic contributions of the Armenian diaspora living here in America. It is estimated that the Armenian community in the United States numbers in the hundreds of thousands and represents the largest Armenian community in the world outside Armenia. In Michigan, my hometown of Detroit was itself one of the great historical centers where Armenians set down roots after they came to our great Nation. Armenian-Americans have also made contributions to every aspect of American life. Among the most notable have been William Saroyan, Academy Award and Pulitzer Prize winning author; Howard Kazanjian, producer of Star Wars and Raiders of the Lost Ark; Raffi, children’s singer and songwriter; System of a Down, multi-platform alternative/metal group; Steve Zallian, Academy Award winning screenwriter of Schindler’s List; Ray Damadian, inventor of Magnetic Resonance Imaging (MRI), and, of course, Andre Agassi, professional tennis player.

However, our relationship with Armenia has certainly been by no means a one-way street. Our Nation’s Armenian diaspora has provided the greatest number of high ranking officials in the new republic: the young Minister of Foreign Affairs, Raffi Hovannisian, a lawyer and political scientist, whose father, Richard, professor of Armenian history at UCLA, is the foremost authority on the first republic; the minister of energy, Sebuh Tashjian, also from Los Angeles; Jirair Libarian, historian and former director of the Zoryan Institute, who is a personal advisor to President Levon Ter Petroian; and Mathew Der Manuelian, a Boston lawyer with a high post in the Ministry of Foreign Affairs.

I’ll conclude my statement by wishing Armenia and Armenian-Americans a happy independence day.

IN RECOGNITION OF THE MANRESA JESUIT RETREAT HOUSE

HON. JOE KOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. KOLLENBERG. Mr. Speaker, I want to recognize the Manresa Jesuit Retreat House as it celebrates the eightieth year of service to Oakland County.

Founded by a group of laymen in 1926, the Manresa Jesuit Retreat House has grown and evolved over the years to become a center for thousands of people to get away to a quiet place for meetings, seminars, workshops, and worship.

In its beginnings, the Manresa Jesuit Retreat House struggled to secure the funds to fully provide food service and other amenities to its guests. However, through perseverance and strong leadership, Manresa has become a fixture in the community, providing thousands of people with a place to worship, reflect, learn, and work in a nurturing atmosphere. Its board of directors has guided the Manresa Jesuit Retreat House’s ministry to the community, including the leadership of the Internship in Ignatian Spirituality which trains both laymen and ordained people of many denominations for ministry in their communities.

September 23, 2006 will mark the eightieth anniversary of the first retreat ever held at the Manresa Jesuit Retreat House, located on the thirty-nine acre “Deepothe Estate” on the corner of Woodward and Quarteron Road in Bloomfield Hills. At the time of its establishment as the Manresa Jesuit Retreat House, this area was part of the expanding metro Detroit area. As the area grew, so did Manresa with a series of additions and renovations that have enlarged the original retreat guests from 23 to its current capacity of 78.

The Manresa Jesuit Retreat House has provided a foundation upon which thousands of metro Detorians have grown, both personally and spiritually. I am proud to recognize its importance in forging the character of the community as we celebrate the eightieth anniversary of Manresa’s inaugural retreat.

TRIBUTE TO AUSTIN MALCOLM “MIKE” ALLEN

HON. THADDEUS G. MCCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Austin Malcolm “Mike” Allen, former Mayor of Northville, Michigan, and mourn his passing at the age of 91.

For more than nine decades, Mike served the people of the City of Northville, where we served as its Mayor from 1958–1978. Born on October 3, 1914, he left his world on September 9, 2006. In his magnificent life, Mike embodied the virtues of honesty and duty— and good old fashioned common sense—for which he was widely admired and never equaled. (Though, admittedly, few tried to emulate his love of suspenders)

Mike is survived by his wife, Betty; his children, Jim, Sharon, and Patricia; and his siblings, Doris, Naomi, Jerome, Flora, and Hoy. He will be remembered for his witty sense of humor, unflagging dependability, and endearing concern for others. Mike touched everyone he met; and, by his absence, we are all diminished.

Mr. Speaker, I ask my colleagues to join me in honoring Austin Malcolm “Mike” Allen for his lifetime of dedication and service to his fellow human beings.

CONGRESSIONAL RECORD — Extensions of Remarks

HON. CHARLIE MELANCON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. MELANCON. Mr. Speaker, Today I welcome President Nursultan Nazarbayev of the Republic of Kazakhstan to the United States. When the Soviet Union collapsed, there was great concern about the political and economic future of the former Soviet republics. The world wondered whether these nations would join democratically developed nations, and whether they would be able to overcome the communist ideology that had been imposed on them for so long. Furthermore, as a result of the disintegration of the Soviet Empire, nuclear weapons were scattered, uncontrolled and even more dangerous. The colossal number of nuclear weapons was a real threat to peace and the possibility loomed of bloody territorial and international conflict.

Unfortunately, in some cases our concerns were valid. For many of these emerging states, the burden of transforming a stable, flourishing and democratic society appeared to be a difficult task. Not everyone could handle this historic mission. The world witnessed several conflicts, sometimes bloody, in the former Soviet bloc, which not only destabilized the region, but also caused economic stagnation. But indicators showed that Kazakhstan, with its enormous territory, vast natural resources and multinational and multilingual country, should have been the epicenter of instability. But instead, Kazakhstan was one of only a few former Soviet states that avoided bloodshed. Kazakhstan withstood the pressure of reform and today has made staggering economic and political progress, largely due to President Nazarbayev’s vision and leadership. President Nazarbayev’s stewardship of Kazakhstan’s vast natural and strategic resources has given the country a strong economic and political framework.

I was proud to be one of the first leaders to congratulate President Nazarbayev on his re-election and should be applauded by all nations of the world.

CONGRESSMAN CHARLIE MELANCON WELCOMES CHARLES RUGG, PRIME MINISTER OF KAZAKHSTAN TO THE UNITED STATES

HON. CHARLIE MELANCON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. MELANCON. Mr. Speaker, Today I welcome Prime Minister Charles Rugg of the Republic of Kazakhstan to the United States.

In November of last year I visited Kazakhstan. The warm and hospitable Kazakh people reminded me of my own home state of Louisiana. During that trip, I was proud to be one of the first leaders to congratulate President Nazarbayev on his re-election, and met with the leaders of the legislative and executive branches of government and of several opposition parties. I was glad to report that democracy in Kazakhstan is growing.

If you have never seen Kazakhstan’s capital city, Astana, you must. The brand new city rises up out of the Steppes, with cranes and skyscrapers studing the horizon. Astana is truly awe-inspiring testament to the spirit of the Kazakh people to move into the future. It is a symbol of the progress Kazakhstan has made from Soviet dominance to independence.
I would also like to commend President Bush’s Administration for seeing what I have seen for some time. Kazakhstan wants to be a partner with the United States. They are an ally in the Global War on Terror and Kazakh troops have shed their blood alongside Americans in Iraq. As we work to secure our nation from terrorism, we should thank the Kazakhs for their sacrifice. Kazakhstan’s military and economic security is linked to America’s. I hope to see our nations walk together down a path of prosperity and stability.

It is with great enthusiasm that I look forward to Kazakhstan’s continued success in the years ahead and wholeheartedly support the future strengthening of the U.S.-Kazakhstan strategic partnership. I am confident that with President Nazarbayev’s leadership we will bring our two nations closer together.

Welcome to the United States, Mr. President.

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT OF 2006

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Ms. LEE. Mr. Speaker, I rise to introduce the Darfur Accountability and Divestment Act of 2006.

As a Member of Congress who traveled to Darfur and visited the refugees in camps along the Chadian border, I am confident that now is the time for a two-pronged approach of diplomacy and divestment to end the genocide in Darfur.

As many of you know, divestment was a successful tool in ending the apartheid in South Africa. Similarly, we must make sure that the federal government prohibits contracts to multinational businesses enterprises if they maintain business relationships and investments with Sudan and other national, regional, and local governments involved in genocide or participating in business activities with any warring parties or rebel groups perpetrating genocide.

Today, state legislatures, colleges, and universities are leading divestment campaigns to pressure the Khartoum regime and show the international community that to achieve an end to the fighting, peace, truth, and reconciliation are needed immediately in Darfur.

The hard earned money of American citizens should not be used to support a pariah government that is killing its own people and supporting terrorists.

State legislatures in Illinois, New Jersey, Oregon, and Maine have passed legislation mandating divestment of State funds from companies that conduct business in Sudan. California, Massachusetts, Rhode Island, North Carolina, Kansas, Wisconsin, Indiana, Georgia, Missouri, New York, Iowa, and Vermont have considered or are considering legislation to divest State funds from companies that conduct business in Sudan. Connecticut, Ohio, and Vermont have passed nonbinding divestment legislation with respect to Sudan; and Arizona, Louisiana, Missouri, and Pennsylvania have adopted screening processes for investments in companies that conduct business in countries that are sponsors of terrorism, including Sudan.

Additionally, Students Taking Action Now: Darfur (STAND) has launched successful student campaigns across the country, driving their respective colleges and universities to divest from companies doing business with Sudan.

Amherst, Boston University, Brandeis, Brown, Columbia, Dartmouth, Harvard, Middlebury, Oberlin, Princeton, the Reconstructionist Rabbincal College, Samford, Simmons, Smith, Stanford, Trinity, the University of California, the University of Maryland, the University of Pennsylvania, the University of Southern California, the University of Vermont, the University of Washington, Williams, and Yale have all divested their funds from, or placed restrictions on investment of their funds in, certain companies that conduct business in Sudan.

The Darfur Accountability and Divestment Act of 2006 would require:

(1) The Securities and Exchange Commission (SEC) Division of Corporate Finance and the U.S. Treasury to require all companies listing securities on United States capital markets, either directly or through a parent or subsidiary company, including partly-owned subsidiaries, have business operations in a country with a genocide declared by the Department of State or Congress, to disclose the nature of their business operations.

(2) The United States Government (federal) to prohibit contracts with multinational business enterprises if:

(a) They maintain business relationships and investments with national, regional and local governments involved in genocide; and

(b) They participate in business activities with the government or government entities.

(3) Exemptions for businesses who are working in areas of Sudan that have been neglected by the Khartoum regime (Darfur, Southern Sudan, Kordofan/Nuba Mountain State, Blue Nile State or Abyei) or who are providing immediate humanitarian assistance (delivery of food aid, road construction, basic sanitation, education, etc.).

(4) Recognizing the support of:

(a) States and Cities that have divested or are in the process of divesting State and City funds from companies that conduct business in Sudan; and

(b) United States colleges and universities that have divested their funds from, or placed restrictions on investments of their funds in, companies that conduct business in Sudan.

(5) The following reports not later than 60 days after enactment:

(a) The Chairman of the Securities and Exchange Commission shall report to Congress the names of the business enterprises and the details of their business operations in Sudan;

(b) And biannually thereafter, the Office of Global Security Risk shall report to Congress the names of the business enterprises and the details of their operations in Sudan;

(6) The Chairman of the Securities and Exchange Commission (SEC) to maintain and publish a list of the names of the business enterprises identified by the Securities and Exchange Commission as having ties with perpetrators of genocide.

Please join me in sending a message to the international community and out national pension funds that we do not want blood on our hands.

Mr. Speaker, I encourage you to lend your support to the Darfur Accountability and Divestment (DADA) Act of 2006.

TRIBUTE TO MATTHEW KENNEDY

HON. JIM COOPER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. COOPER. Mr. Speaker, I rise today to salute a man who has touched the lives of so many in my community of Nashville, as well as around the world, through his music and his commitment to sharing his talent with others.

Matthew Kennedy was born in the segregated South in 1921, the son of a strict, school teacher mother and postal worker father. Only months after his birth, his father died of a heart attack leaving his mother on her own to care for the family. Despite the challenges, Matthew’s mother is determined to raise her young son and will be able to take “serious” piano lessons with the town’s white music teacher. The teacher agrees to lessons and in exchange Matthew and his cousin agree to clean her studio.

Even at this very young age, Matthew’s talent is evident. The famous Russian pianist Sergei Rachmaninoff comes to his hometown and the Apollo Theatre. But before long his life was changed by that experience forever. Soon, Matthew is heading to New York, having won a scholarship to continue his music studies at the Julliard School.

While in New York he performs at Carnegie Hall and the Apollo Theatre. But before long he is on his way to Nashville. His Julliard teacher encourages him to return to the South to use his talents to help his people. Matthew arrives at Fisk University where he is welcomed by the director of the world-famous Fisk Jubilee Singers. He agrees to take on the role of piano accompanist for the Jubilee Singers and begins what will be a lifelong commitment to the school, the Jubilee Singers and his belief in the power of music.

Matthew Kennedy served as the director of the Fisk Jubilee Singers from 1957 to 1985.
During that time, he traveled and performed with them in the world’s most famous concert halls in Europe, South America, the Middle East and the Caribbean. He influenced the lives of hundreds of young students during those years, and inspired thousands who witnessed his performances and his musical direction.

On this coming Monday evening, September 25, Matthew Kennedy will be honored at a special event at the Tennessee Performing Arts Center. That evening Nashville will salute Dr. Kennedy at the premiere of a new documentary directed by his daughter Nina, also a recognized pianist and filmmaker. It will be a special night for Dr. Kennedy and his family. But it will also be a special night for all Nashvillians and music lovers everywhere as we pause to celebrate the life of a truly gifted and generous artist and community leader.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES SEPTEMBER 11, 2001

SPEECH OF HON. LUCILLE ROYBAL-ALLARD OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Wednesday, September 13, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to remember the men, women, and children who lost their lives in the September 11, 2001 terrorist attacks on America and to honor the heroic efforts of our first responders on that fateful day.

It is more than fitting that the resolution before us today remember the innocent victims of September 11 and pay tribute to the countless first responders who at their own peril responded to the horror of that day.

It is unfortunate then that the Republican leadership has chosen this solemn time to play politics and divide this House by inserting into this legislation references to several controversial and partisan pieces of legislation.

It is true that Democrats and Republican disagree over the policies of the administration and the Republican leadership. These policy differences include the Republican budget cuts in time of war, the failure to ensure the safety of our seaports, the failure to fully inspect aviation cargo against terrorist attacks, and the failure to provide our first responders with the critical resources and equipment to adequately respond to a disaster.

It is also true that Democrats have a new direction to address these and other security concerns and the failures of this administration to adequately prepare our country for another large scale disaster. But the Republican leadership dishonors the spirit of this solemn anniversary by including divisive language in this resolution.

Controversial issues, such as certain provisions of the PATRIOT Act and the Border Protection Act, have no place in a resolution that commemorates the events of September 11, 2001. And I deeply regret that my Republican colleagues have unnecessarily cast a shadow on this solemn anniversary.

On the fifth anniversary of the September 11 attacks, let us remember 9/11 not with political shenanigans but by respectfully remembering those who lost their lives and by honoring them with legislation that provides real homeland security for the families and friends they left behind and all Americans.

INTRODUCTION OF THE SONS AND DAUGHTERS OF AMERICA ACT

HON. TODD TIAHRT OF KANSAS IN THE HOUSE OF REPRESENTATIVES Thursday, September 21, 2006

Mr. TIAHRT. Mr. Speaker, today I rise to speak about an important piece of legislation I am introducing, the Sons and Daughters of America Act.

Families who have suffered the loss of a loved one are not able to grieve in peace with dignity and respect because of people who want more than freedom of speech. They want taxpayers’ compensation for their legal fees when they challenge local, State and Federal laws. “We’re going to get rich off the stuff they’re doing. This is finger-luckin’ good,” one protester said.

It is appalling that people would profit at the cost of the honorable men and women who have served our country with courage and valor. We should all be offended by their actions and take away any opportunity for financial compensation. Families should be allowed to grieve in peace.

Many States have been forced to pass legislation to ban the picketing and protesting of funerals, including military funerals, because of protestors who refuse families the right to mourn in peace. A protester from my home State of Kansas sued city and state officials and was awarded a total of $227,000 in attorney’s fees.

That is why I am introducing the Sons and Daughters of America Act, which will provide legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals. We already have Son of Sam laws to ensure that murderers cannot profit off of their crimes. Unfortunately, it’s come to the point where we need to ensure that those who violate the sanctity of mourning cannot profit from their callousness.

I am proud to introduce today the Sons and Daughters of America Act and ask my colleagues to support this bill.

INTRODUCTION OF MARGARET Thatcher CONGRESSIONAL GOLD MEDAL ACT

HON. MARK STEVEN KIRK OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Thursday, September 21, 2006

Mr. KIRK. Mr. Speaker, today I am introducing the Sons and Daughters of America Act, which will provide legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals. We already have Son of Sam laws to ensure that murderers cannot profit off of their crimes. Unfortunately, it’s come to the point where we need to ensure that those who violate the sanctity of mourning cannot profit from their callousness.

I am proud to introduce today the Sons and Daughters of America Act and ask my colleagues to support this bill.

On this solemn anniversary, let us remember the men, women, and children who lost their lives in the September 11, 2001 terrorist attacks on America and to honor the heroic efforts of our first responders on that fateful day.

SPEECH OF HON. TIAHRT OF KANSAS IN THE HOUSE OF REPRESENTATIVES Wednesday, September 13, 2006

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I am proud to introduce today the Sons and Daughters of America Act and ask my colleagues to support this bill.

This year, National Peripheral Arterial Disease Awareness Week occurs September 18 through September 22 and gives us a time to reflect on the need for the increased education and awareness needed to promote early detection and the proper treatment of this disease.

Peripheral arterial disease, which is a narrowing of the arteries that results in reduced blood flow to the limbs, affects between 8 million and 12 million Americans. Americans suffering from peripheral arterial disease find themselves at increased risk for heart attack, stroke and lower limb amputation. Unfortunately, most cases of peripheral arterial disease are asymptomatic, causing too many Americans not to know that they have the condition.

That is why this resolution and this Chamber’s support for National Peripheral Arterial Disease Awareness Week are so important. If we can shed light on this devastating disease, more Americans will become educated about their risk factors and get the early detection and treatment to avoid the painful heart attacks, strokes and amputations that too often befall our loved ones.

I encourage my colleagues to join me in supporting this important resolution.
Mr. CONYERS. Mr. Speaker, I rise today to commemorate the 15th anniversary of Armenia's declaration of independence from the Soviet Union.

On September 21, 1991, one of the world's oldest and most historically significant civilizations was able to re-establish their place among the autonomous nations of the world by declaring its independence following the collapse of the Soviet Union. The founding of the Republic of Armenia was an historic event that exemplifies the strength and perseverance of a people in pursuit of freedom and self-determination through democracy.

Armenia's road to independence was not easy. Enduring centuries of foreign domination, the genocide against its people in the early 20th century, and suffering through decades of totalitarian dictatorship did not discourage the Armenian people. In the face of oppression, the Armenian people never wavered in their pursuit to secure freedom and a democratic nation of their own.

Since its independence, Armenia has emerged as a viable, vibrant society and has played an important role in stabilizing the South Caucasus region. Armenia continues to be a trusted partner of the United States in a strategically important area of the world, a regional leader in political and economic reform, and a nation committed to the principles of democracy and the rule of law.

Mr. Speaker, today, on the 15th anniversary of Armenia's independence, I rise to celebrate the determination of a people who refused to relent in their quest for freedom.

HONORING LYLE VAN HOUTEN
HON. THADDEUS G. McCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor Lyle Van Houten, former mayor of Dearborn Heights, MI, and to mourn him upon his passing at age 77.

For over seven decades, Lyle dedicated his life to public service and bettering the lives of others. As an integral member of the community, Lyle was first elected to the Dearborn Heights City Council in 1957, where he served until he was elected Mayor in 1986. Upon completion of his mayorship in 1993, he continued to strengthen the Michigan Republican Party, serving as Republican Committee chairman of the 16th and 15th congressional districts.

Moreover, during his distinguished career, he was appointed to the Michigan Judges Retirement Board of Directors by past Governor John Engler, and also served as a member of the Dearborn Heights Kiwanis Club and the Divine Child Men's Club, among other community organizations. Throughout his years, Lyle established a legacy of benevolence, compassion, and unwavering commitment to the community.

On September 7, 2006, after a 4-year battle with cancer, Lyle passed away. He will be remembered as a confident and patriotic American, who served his country with honor and dedication. To his wife, Mary; his children Julie Panetta and her husband Mark, L. Carter, Jr. and his wife Pamela, John, and Margaret; his grandchildren Ellen, Susan, and Nicolas; his sister Jean Linderman; and to everyone who knew and loved him, he was a noble statesman who will be sorely missed.

Mr. Speaker, during his lifetime, Lyle Van Houten enriched the lives of everyone around him. As we bid farewell to this extraordinary individual, I ask my colleagues to join me in mourning his passing and honoring his legendary service to our community and country.

TRIBUTE TO COMMODORE JOHN BARRY
HON. CHRISTOPHER SHAYS
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. SHAYS. Mr. Speaker, on September 16, the Fairfield County Ancient Order of Hibernians celebrated the official recognition of Commodore John Barry as the First Flag Officer of the United States Navy. In 2005, the House passed, and the President signed into law, H.R. Res. 38, which made this recognition official, and I was proud to support this legislation.

I am happy to submit the text of Master Chief Richard Iannucci's informative address to the Library of Congress, which reads as follows:

The first 13 United States Marshals were appointed by President George Washington in 1789 with their primary mission being to support the Federal courts. As times changed, so too did the mission of the U.S. Marshals Service. However, they have answered the call to duty every day, deputy U.S. marshals carry out complex and life-threatening missions with integrity, skill, and valor. I commend Director John Clark and the 5,000 men and women of the Marshals Service, who are justifiably proud of their agency and their history. I am proud of them as well, and appreciate their contribution to this Nation as they celebrate their 217th anniversary.

IN RECOGNITION OF THE 15TH ANNIVERSARY OF THE INDEPENDENCE OF ARMENIA
HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor Lyle Van Houten, former mayor of Dearborn Heights, MI, and to mourn him upon his passing at age 77.

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CELEBRATING THE 217TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. CONYERS. Mr. Speaker, I rise today to honor the 217th anniversary of the United States Marshals Service, our Nation's oldest Federal law enforcement agency. The men and women who proudly wear “America’s Star” have been involved in some of the most historic events in our Nation's history, and I am proud to commend them on this significant occasion.

The first 13 United States Marshals were appointed by President George Washington in 1789 with their primary mission being to support the Federal courts. As times changed, so did the mission of the U.S. Marshals Service. However, they have answered the call to duty without exception.

In the early years, U.S. marshals and deputy U.S. marshals executed warrants, distributed presidential proclamations, protected the president, registered enemy aliens in times of war, pursued counterfeiters, and helped conduct the national census. The Marshals Service maintained law and order in the “Wild West,” kept the trains rolling during the Pullman strike, and enforced the 18th amendment that has already netted the peaceful surrender of hundreds of fugitives across this country in a community coordinated and faith-based environment.

Every day, deputy U.S. marshals carry out complex and life-threatening missions with integrity, skill, and valor. I commend Director John Clark and the 5,000 men and women of the Marshals Service, who are justifiably proud of their agency and their history. I am proud of them as well, and appreciate their contribution to this Nation as they celebrate their 217th anniversary.

HONORING LYLE VAN HOUTEN
HON. THADDEUS G. McCOTTER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

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Mr. Speaker, during his lifetime, Lyle Van Houten enriched the lives of everyone around him. As we bid farewell to this extraordinary individual, I ask my colleagues to join me in mourning his passing and honoring his legendary service to our community and country.
at this ceremony to be entered into the RECORD.

Selectmen, honored guests, veterans, citizens of Fairfield, stalwarts of Gaelic descent, and shipmates

This is a replica of the First Navy Jack. This flag, more properly this “Jack,” was flown by Commodore John Barry and at the bow of ships of the Continental Navy.

When ordered flown by the Jack of Commodore John Barry and the Continental Navy, signifies that the commander is today functioning at its grimmest, most deadly earnest level of national survival.

Barry and the men who fought alongside him, jeopardized the very lives in the traditional sense of the word. They were not victims as the word “hero” seems to be evolving today, but men of courage who voluntarily thrust themselves into the grimmest, most deadly earnest level of national survival.

The first crucible was the unsettled nature of the country of his origin, Ireland. John Barry was born in 1745, in a cottage in County Wexford, Ireland, the southeastemmost part of Ireland. Wexford had a strong maritime tradition, but Barry's father was a poor tenant farmer, eventually evicted from his farm by his British landlord. The family was forced to relocate to the village of Roselare. It would have been at an early age that Barry learned of the bloody fall of Wexford to an invading British force led by Oliver Cromwell in 1649.

Barry had to be aware of his countrymen's general fear of British oppression and government. Today there are people who parrot that thought that "there is nothing worse than war." John Barry knew better. Captain Cardiff and other British war... losing a war and he only needed to look around himself in Ireland to draw that conclusion. Today you hear the cant, "War never solves anything." John Barry would have known that to be a wrongheaded position.

Personally, as a descendant of highlanders and weavers gone to sea, I am aware of the strong formative influence of having to leave your home under the cloud of a sense of injustice.

The plight of his native land had to have personally affected Barry, since the Revolution was a part. At the time, Barry was 23 years old. His second in command stated, "If this ship cannot be saved, your duty beck was raised using the mizzenbrail for a halyard, and the fight continued. Just as they reached the deck, a gust of wind filled the canvas and the battered Alliance swung about and the officers and crew pressed their new advantage to victory.

He continued in command of Alliance, taking numerous prizes in 1782.

In 1783, John Barry fought the last Continental Navy engagement with British ships. He captured the Revolutionary War against the British man-of-war Sybille, 23 guns. Though the ship surrendered to him, Barry was obliged to abandon it to escape from the rest of the squadron of which Sybille was a part. At the time, Barry was commanding the Philadelphia, carrying money and supplies from the West Indies to the Colonies. His defense enabled Duc de Lausanne to escape and return the Colonies.

The second crucible was the demanding, unforgiving nature of the sea. John Barry's uncle was the captain of a fishing skiff, and at an early age he chose to follow his uncle as a seafarer. The sea meant freedom and independence. It was easier to jump ship, if life became unfair or oppressive, than move from one farming tenancy to another. Barry started as a cabin boy, and worked his way up. Going to sea was no easy career choice, but it gave a young man independence, and opportunities tied to merit, for the sea holds little regard for nationality or economic status. Only performance counts. A sea captain sailed one of the technological marvels of the day. A captain had to know sophisticated mathematics, astronomy, meteorology, navigation, carpentry, metal working, oceanography, chemistry, physics, civil engineering, business law, and psychology, among other disciplines. A merchant ship was the second most complex convergence of technology of the 18th Century. He had to learn all this, control and manage a time to fight the elements, and turn a profit. He was an established ship's captain by the age of 30, plying the trade route between Philadelphia and the West Indies.

What was the most complex convergence of technology of the 18th Century? A naval warfare was the first most complex convergence of technology. Barry added the added element of naval guns and other weaponry.

BARRY: THE THIRD CRUCIBLE

In 1775, John Barry was dropped into his last and third crucible, when he offered his services to the Continental Congress. His ship Black Prince was purchased by the Continental Congress and renamed Alfred. His lieutenant was a fiery Scotman, named Jones. John Paul Jones.

Barry was then given command of Lexington, 14 guns, in December of 1775. Lexington sailed in March of 1776. That April, off the Cape of Good Hope, Barry engaged Edward, tender to the British man-of-war Liverpool. After a heated battle he captured Edward, the first American naval prize of the war and brought her into Philadelphia.

Barry captured several private armed British ships not long after.

In October of 1776, the Continental Congress assigned the rank of captain to Barry. Barry was a thorough warrior. Barry's contribution to the war was not limited to sea duty. He could have stuck with Effingham and his naval specialization, but in December of 1776, Barry recruited a company of volunteers for land duty. He and his companions took a plantation campaign.

He organized the boatmen and assisted the troops. He advised his commission was to escape and reach the Colonies. His defense enabled Duc de Lausanne to escape. Barry conducted a relentless campaign against the British ship Serapis.

In November of 1780, Barry was ordered to proceed to the West Indies. After the close of Revolutionary War, Captain Barry returned to the merchant marine. Upon reorganization of the Navy, in June of 1794, Captain Barry was appointed No. 1 on the list of Captains and his commission was signed by George Washington. As senior captain, this status entitled him to the title of " commodore" in any group of ships. The navy had no admirals until the Civil War. The title "admiral" was thought to be to aristocratic and undemocratic. The army could have generals, but the navy would have only commodores.

Barry was ordered to superintend the building of the frigate United States, 12 guns, and to command her when finished. He fought in the Quasi-War with France, 1798–1801, capturing a number of French vessels in the West Indies.

In March of 1778, Captain Barry captured the British privateer St. Johns in the Delaware River. Barry continued in command of the Privateer Delaware, 10 guns.

In November of 1780, Barry was ordered to command the frigate United States, 12 guns, and took John Laurens, Special Commissioner, to France. Alliance would be his most famous command. To and from France, he captured the British Privateer Alert, 12 guns; Mars, 26 guns; and Minerva, 10 guns.

In May of 1781, Barry engaged the British ship-of-war, Atlanta, 20 guns and Trepassy, 14 guns. This was to be Barry's most famous engagement. Barry conducted a relentless campaign against the ship, the wrecked of langrikit (broken nails and metal fragments) struck him in the left shoulder. He was carried to the cockpit for medical care by the ship's surgeon.

As the battle increased in intensity, Alliance's colors were shot away. Barry's second in command, appeared before him as his wounds were bandaged. I asked you to bear with me. 18th Century dialogue sound wooden and strangely formal to the 21st Century.

Barry replied angrily, "No Sir, the thunder! If this ship cannot be fought without me, I will be brought on deck. If your duty beck was raised using the mizzenbrail for a halyard, and the fight continued. Just as they reached the deck, a gust of wind filled the canvas and the battered Alliance swung about and the officers and crew pressed their new advantage to victory.

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Barry: The Third Crucible

John Barry, the father of the United States Navy, was hired in three crucibles. His legacy is a function of those three crucibles and the trials they represented.

The first crucible was the unsettled nature of the country of his origin, Ireland. John Barry was born in 1745, in a cottage in County Wexford, Ireland, the southeastemmost part of Ireland. Wexford had a strong maritime tradition, but Barry's father was a poor tenant farmer, eventually evicted from his farm by his British landlord. The family was forced to relocate to the village of Roselare. It would have been at an early age that Barry learned of the bloody fall of Wexford to an invading British force led by Oliver Cromwell in 1649.

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Personally, as a descendant of highlanders and weavers gone to sea, I am aware of the strong formative influence of having to leave your home under the cloud of a sense of injustice.

The plight of his native land had to have left its mark on John Barry.

BARRY: THE SECOND CRUCIBLE

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On July 7, 1779, as you left Southport Harbor and looked over your port beam (or larboard beam as Commodore Barry would have known it), you would see the smoke from the British punitive raid on Fairfield. On September 11, 2001, as you left Southport Harbor and looked over your starboard beam, you would see the smoke from the burning towers of the World Trade Center. Here we are in the Southport section of Fairfield, a crossroads of history and yet even here in Fairfield we failed to give due deference to history. The Fairfield School system willfully fails to observe Veterans Day, for example, as a holiday.

We are at war, but have we learned from history? It is all too easy to put the present war aside and go about our business. Let someone else address the problem. Perhaps another John Barry will turn up, or perhaps it doesn’t matter.

We need more John Barrys, men of bravery and determination, we can never have enough.

Barry knew there were things worse than war and his life was determined by that knowledge. He knew there were things far worse than war. Do we? He acknowledged that there were objectives that war could accomplish, do we?

HONORING JOEL B. ROSEN

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to commend the Honorable Joel B. Rosen, United States Magistrate Judge of the New Jersey District, for his exceptional service to his community. I consider Joel a close friend, and commend him for his continuing commitment to the practice of law.

After graduating from Rutgers School of Law at Camden, with honors, Judge Rosen served as an Assistant United States Attorney. For a time, he was the attorney-in-charge of the United States Attorney’s Office in Camden where he conducted several commendable investigations from the Department of Justice for prosecuting organized crime and political corruption. He also served as the Chief of the Special Prosecutions Section as a Deputy Attorney General in the New Jersey Division of Criminal Justice. In 1987, Judge Rosen was sworn in as a United States Magistrate Judge for the District of New Jersey.

Judge Rosen was awarded the Rutgers School of Law Honorific Joseph M. Nardi Jr. Distinguished Service award in 2004. In 1999, he received the Reverend Martin Luther King Jr. “Champions for Social Justice and Equality Award” from the Black Law Students Association at Rutgers School of Law. He was the recipient of the Special Achievement Award from the Department of Justice in 1976 and received Special Commendation of Outstanding Service in the District of New Jersey, Department of Justice in 1975. Judge Rosen is a Former Member of the Judicial Conference Committee on Federal-State Jurisdiction and the Federal Judicial Center, Magistrate Judge Education Committee. He was also the Former President of the Federal Magistrate Judges Association.

I have known Joel both personally and professionally for over a decade and have found him to be a man of outstanding moral character, His compassion and integrity are only matched by his keen mind and superior knowledge of the law. I am proud to call Joel a friend.

GENOCIDE IN DARFUR, SUDAN

SPEECH OF
HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to say, that as world leaders meet in New York this week to discuss the situation in Darfur, crisis we here in the U.S. Congress must commit to finding ways to break the current deadlock and lead new international action to stop the ongoing genocide.

We need to begin an all-out diplomatic offensive on Darfur in order to prepare the way for a peacekeeping force that can ensure protection for the people of Darfur.

The Coalition for International Justice estimated that 450,000 people in Darfur have died since the deadly genocide began some three years ago.


Since then, countless organizations have put in untold hours trying to stop the carnage and human suffering. Groups like: International Committee of the Red Cross, Doctors without Borders, World Vision, SAVE DARFUR, Campaign for moral democracy, faith-based, humanitarian, and human rights organizations, including: Amnesty International USA, International Crisis Group, American Jewish World Service, NAACP, American Society for Muslim Advancement, United States Conference of Catholic Bishops, United States Holocaust Memorial Museum, Church World Service.

In all, dozens upon dozens of groups and organizations have prioritized stopping the killing in Darfur before there is no one left to be killed. It is high time that we, the U.S. Congress, join our name to that list. We’ve done it before.

When the U.S. Congress decided in 1986 that South Africa’s ways of Apartheid could no longer be ignored, the 99th Congress jumped in and passed the Comprehensive Anti-Apartheid Act was won over a presidential veto. The bill imposed sweeping economic sanctions against South Africa, divesting capital from the government, and authorized several measures to assist the victims of apartheid.

Virtually every member of Congress felt pressure from their home districts to do something about apartheid and cities and colleges in their districts were divesting, and the bi-partisan vote led the way ending an oppressive regime.

We are at the point with Darfur. I continue to hope and pray that the Bush Administration makes this a top priority in New York this week, and to pressure Sudan and its allies, particularly Russia and China, to accept the will of the international community for an international force to protect civilians in Darfur.

In the meantime, I hope that we all gather in support of Congresswoman Lee’s Darfur Accountability and Divestment Act, DADA, of 2006. Divestment worked to end Apartheid and it can work in this instance. We can make a difference. We can save lives. We can stop the genocide.

FREEDOM FOR OSCAR ELIAS BISCET

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Dr. Oscar Elias Biscet, a Cuban hero who is a political prisoner in totalitarian Cuba.

Dr. Biscet is a leading pro-democracy activist in totalitarian Cuba and one of the leaders of the democratic Cuba of tomorrow. Dr. Biscet is a medical doctor and the founder of the Lawton Foundation for Human Rights. He has dedicated his life to freedom and democracy and is a follower of Mahatma Ghandi and Martin Luther King, Jr. Dr. Biscet is a man who has constantly opposed the tyranny in Cuba, and who has paid a tremendous price for his belief in freedom.

In 1998, he was sentenced to 3 years in prison for his beliefs. In 1999, he was sentenced to 3 years in prison for his beliefs. In 2001, he was sentenced to 15 years in prison for his beliefs. In 2002, he was sentenced to 15 years in prison for his beliefs. In 2002, he was sentenced to 15 years in prison for his beliefs. In 2003, he was sentenced to 20 years in prison for his beliefs. In 2004, he was sentenced to 20 years in prison for his beliefs. In 2005, he was sentenced to 25 years in prison for his beliefs.

For the vast majority of the last 8 years, Dr. Biscet has lived in a gulag that can only be described as a living hell. Dr. Biscet has been placed in what is called “the tomb.” He is underground in solitary confinement, in a punishment cell. And so that he fully understood the reality, he continued to execute a symbolic fast as of July 13, 2006.

Dr. Biscet is a leading pro-democracy activist in totalitarian Cuba and one of the leaders of the democratic Cuba of tomorrow. Dr. Biscet is a medical doctor and the founder of the Lawton Foundation for Human Rights. He has dedicated his life to freedom and democracy and is a follower of Mahatma Ghandi and Martin Luther King, Jr. Dr. Biscet is a man who has constantly opposed the tyranny in Cuba, and who has paid a tremendous price for his belief in freedom.

The government of Cuba has tortured me during eight years; they have done so trying to drive me insane, thank God, I have been able to preserve my sanity . . . in reality, they continue torturing me because I live in a box with no windows or natural light, with a mattress that feels as if one were sleeping on a plank, a stone . . . unfit for a human being . . . surrounded by criminals and under the threat, as it has happened on previous occasions, of being attacked by the government who instigated the dangerous prisoners . . .

I believe that what the government is doing is torturing me to humiliate me so that I abandon the struggle on behalf of the freedom of my country. Thank God, I have been able to keep up my stance and will continue doing so with God’s help . . .
Mr. MARKEY. Mr. Speaker, I rise today to recognize the 150th anniversary of the establishment of Wise County, a Texas county that is part of the 12th Congressional District which I have the honor to represent in Congress.

The area that today is known as Wise County, located northwest of the Fort Worth/Dallas area, initially was home to Native American Indians. The Coronado Expeditions in 1540 found the Wichita Indians roaming the region. By the mid-1800s, Texas was being settled to the north and west of the Gulf Coast. The first settlers, led by Sam Woody and his family, came to the Wise County region in 1854 attracted by an abundance of land, game and other resources. The Woody family and other pioneers who came from other southern states found their new home ideal for farming and ranching.

On January 23, 1856, the Texas Legislature officially created a new county from the larger Cooke County and named it for Henry A. Wise, a U.S. Senator from Virginia who supported annexation of Texas into the United States a decade earlier. By a popular vote, the community of Taylorsville, named for President Taylor, was selected to the county seat where the first of four county courthouses was constructed. Later, the town was changed to Decatur in honor of U.S. Navy hero Stephen Decatur at the urging of Col. Absalom Bishop, recognized as the founder of Decatur. The present courthouse on the Decatur town square is the fourth, a majestic pink granite structure constructed in 1895 and remodeled several times since.

By 1860, Wise County had more than 3,000 residents. Although Wise County was one of the Texas counties that voted against secession from the United States, it did recruit five Confederate military companies from among its male residents who fought in the Civil War. Following the Civil War, agriculture continued to be the prime focus of the Wise County economy. Over time, dairy farming, brick and limestone production and oil and gas production became important segments of the county’s economic base. At the turn of the century, 99 percent of Wise County’s 27,116 residents still lived in unincorporated areas.

Wise County has the distinction of being the birthplace of the first established junior college when Newport Baptist Junior College was created in 1892 to serve as a “feeder school” to Baylor University in Waco. In 1965, the junior college took a step forward by moving to Dallas and becoming Dallas Baptist University.

Throughout its history, the many men and women of Wise County have served proudly in the U.S. military with distinction and honor. In recognition of some of its sons and daughters who fought during World War II and who were members of the famed “Lost Battalion,” Allied soldiers who became Japan prisoners of war, the Wise County Heritage Museum has dedicated a room to members of the Lost Battalion.

Since World War II, Wise County has continued to flourish. Today, the county has a...
population of 60,400. While agribusinesses continue to be an important part of its economy, a growing number of residents are employed in a wide array of industries spread across the North Texas landscape. Wise County has developed a reputation as having a small town lifestyle with urban amenities nearby. Several incorporated towns and cities are part of Wise County. They include: Alvord, Aurora, Boyd, Bridgeport, Briar, Chico, Decatur, Greenwood, Lake Bridgeport, Newark, New Fairview, Paradise, Pecan Acres, Rhome, Runaway Bay and Sildell.

To celebrate its heritage, Wise County commemorates its founding from September 30 through October 7, 2006, with the Wise County Sesquicentennial celebration. The Wise County Sesquicentennial celebration honors the past and recognizes the future with events in every corner of the county.

Mr. Speaker, it is my honor to recognize Wise County on the 150th anniversary of its establishment and to offer sincere appreciation for the many contributions Wise County and its great citizens have made to Texas and the United States over the last 150 years.

TRIBUTE TO STATE SENATOR TOMMY ED ROBERTS

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CRAMER, Mr. Speaker, I rise today to pay tribute to Alabama State Senator Tommy Ed Roberts. Senator Roberts has represented Limestone, Madison, and Morgan Counties in the Alabama State Senate since 1994 and served in the Alabama House of Representatives from 1974 through 1982. Senator Roberts recently announced his retirement from public service and in April concluded his final legislative session.

I consider it a privilege to have worked with Senator Roberts on a wide variety of issues facing Morgan County. He has done a great deal to help further the quality of life for all individuals in our community.

During his many years of service in the State Legislature, Senator Roberts’ peers elected him to numerous legislative leadership positions. He served as the Chairman of the Senate Business and Labor Committee and the Senate Governmental Affairs Committee.

Senator Roberts’ well known legislative accomplishments include his work to create Alabama’s identity theft protection laws and his bill to allow Morgan County to give a portion of its sales tax to help fund volunteer fire departments.

In addition to serving Morgan County as a State Legislator, Senator Roberts was a champion of economic development and expansion. He served as Executive Director of the Morgan County Industrial Development Association and the Decatur-Morgan County Port Authority for many years and is credited with helping to create over 14,000 jobs. He played a large role in successfully recruiting the Boeing Delta IV Rocket Plant and Nucor Steel plants to Decatur, Alabama.

Mr. Speaker, Senator Roberts is well respected throughout our local community and the entire State of Alabama. On Saturday, September 23rd, the North Alabama community will gather to honor and celebrate all of Senator Roberts’ achievements. I rise today, to join in their celebration and to thank Senator Roberts for his many years of dedicated service.

HONORING THE BRAVE WARRIORS WHO HAVE ENLISTED IN THE FIGHT AGAINST NARCO-TERRORISM

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the brave warriors who have enlisted in the fight against narco-terrorism. Some, like Edna McBrier of Baltimore, have narrowly escaped death. Others, like Camell and Angela Dawson and their five beautiful children, were not so lucky.

The front page of the Tuesday, September 19, 2006 edition of the Baltimore Sun tells the story of Ms. McBrier, a tireless community activist who made it her personal mission to fight back drug trafficking in her neighborhood of Harwood.

For her efforts, her car was keyed, her tires were slashed, bricks were thrown through her windows, and finally—18 months ago—her house was firebombed.

Ms. McBrier survived the attack, but only to be exiled from the neighborhood she loved enough to try to save.

Sadly, stories like hers are not unprecedented in Baltimore. This October marks the 4-year anniversary of one of the most terrible tragedies I have witnessed in my lifetime.

Mrs. Dawson, like Ms. McBrier, was a warrior for her community. She fought to get drug dealers off her street, and away from her five young children. She paid for her efforts with her life.

Drug dealers one night filled the Dawson family home with gasoline, and set it up in flames. All five children and their mother died in the attack. Mr. Dawson, who sustained burns over 85 percent of his body, died a week later.

When I sat at the Dawson family funeral 4 years ago, looking at those five small caskets and one big casket, I thought to myself: How did we get here?

I have lived my whole life in inner city Baltimore. I have seen the innocent little girls who used to play hopscotch on my block grow up to sell their bodies for drugs. I have seen brilliant little boys with endless potential head off to jail instead of college.

The disease of drugs plagues every facet of our community, robbing children of their childhood, and denying decent people the opportunity to thrive.

It is a pervasive disease that reaches far beyond our inner cities, tormenting the lives of people in communities across our Nation.

I am as committed to the global war on terrorism as any member of this body, and I commend our brave warriors who risk their lives every day so that we might be safer.

But don’t be fooled: Terrorism lives here at home as well.

Warriors like Mrs. Dawson and Ms. McBrier have fought for our freedom with their livelihoods and their lives. Just as we honor our soldiers in Iraq by providing them with the most sophisticated defense technology on the market, we must honor our domestic warriors by providing law enforcement officials with the best tools available to protect them.

That is why I introduced the “Dawson Family Community Protection Act” (H.R. 812) and the “Witness Security and Protection Act” (H.R. 908).

The “Dawson Family Community Protection Act,” which would provide protections to neighborhood activists, passed the House in March as part of the “Office of National Drug Control Policy Reauthorization Act” (H.R. 2829).

I want to thank my colleagues in the House for their support of this vital initiative and I urge our colleagues in the Senate to follow suit by passing the ONDCP reauthorization.

The “Witness Security and Protection Act” would provide much-needed federal funds to state-run witness protection programs.

I implore my colleagues, in honor of Ms. McBrier, the Dawson family, and the countless others who have suffered and continue to suffer from the violent fallout of the drug trade and the ravages of drug abuse, to support the “Witness Security and Protection Act,” H.R. 908.

CELEBRATING 50 YEARS AT L.D. BELL HIGH SCHOOL

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Hurst-Euless-Bedford Independent School District’s L.D. Bell High School as it celebrates its 50th anniversary of providing quality education for its students. L.D. Bell has been a fixture in the H-E-B community since 1957. Lawrence Dale Bell High School was opened on a site donated to the school district by the late Larry Bell, Founder and President of Bell Helicopter Textron in Hurst.

Rapid student growth and academic excellence have been the cornerstone of Bell High School. During its 50-year history, L.D Bell has earned state and national recognition in academics, athletics, fine arts, leadership training and service disciplines. These numerous honors resulted in the recognition of L.D. Bell as a National Blue Ribbon School during the 1994–1996 school terms.

L.D. Bell’s high school motto affirms that they “Do not imitate but are a role model for others.” The accomplishments that L.D. Bell High School has achieved in its first 50 years certainly exemplify this. With half a century of success behind them, I am confident that L.D. Bell will continue to educate and inspire the young adults that walk its halls today.

Mr. Speaker, it is with great pride that I stand here today and honor the 50th anniversay of L.D. Bell High School for their dedication and continuing commitment to education in my congressional district.
TRIBUTE TO MR. EDUARDO ANDRES LUCIO, SR.

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Eduardo Andres Lucio, Sr., the father of the Texas State Senator Eddie Lucio, Jr., who recently passed away on September 4, 2006 at 89 years of age.

Eduardo Andres Lucio, Sr., was born on November 10, 1916, in the City of Brownsville in the State of Texas to his parents, Teodoro Lucio and Maria Antonia Lopez Lucio. He then was baptized into the Roman Catholic Church at the historic Immaculate Conception Cathedral in Brownsville on June 11, 1916. He was one of 11 children: eight brothers and three sisters.

Mr. Lucio also has a long familial lineage that stretches all the way back to King Ferdinand of the Catholic Monarchs of Spain and his ancestors who sought with Hernan Cortez in the early 1500s in Mexico. Some of the descendants of his ancestors include the founders of Matamoros, Monterrey, Mier, Sattillo, and Camargo, Mexico.

In the Great Depression, he worked at the Chapman Ranch in Kingsville, Texas, and joined the Civilian Conservation Corps in Bonita Canyon in the small town of Douglas in Arizona. He later met and fell in love with his wife, Josefa Liendo, who would become his future wife of 65 years and mother to his 10 children. He also served in the United States Army Air Corps on December 30, 1941, in San Antonio, Texas, to fight on behalf of the United States of America in World War II. He was a part of the 46th Service Squadron which served in North Africa and in Italy.

Mr. Lucio was honorably discharged from the Army of the United States on July 3, 1945, for a near-fatal injury which he suffered in battle. He has various decorations and citations which include the EAME Ribbon, Good Conduct Medal, four Bronze Service Stars, and four Overseas Bars. In 1946, during a ceremony held in the City of McAllen in the State of Texas, other World War II medals and ribbons were given to him by Vice President Al Gore.

He worked hard for his family by achieving his goals of a higher education, first with the diploma from Brownsville High School on May 30, 1949, and then an Associate in Business Degree from Texas Southmost College in Brownsville, Texas, on May 29, 1950. He then worked at the Cameron County Courthouse in the State of Texas for almost 30 years, and of his last 3 years, he served as Head Office Deputy Sheriff with great pride. Mr. Lucio retired from his civil service in 1979, and enjoyed his retirement as a member of the Veterans of Foreign Wars, the American Legion, and the Disabled American Veteran of America. He also took great strength from his faith as a Roman Catholic parishioner of St. Mary’s Catholic Church.

Mr. Lucio is survived by his 19 grandchildren, four step-grandchildren, six great-grandchildren, and three step-great-grandchildren. His eldest son, Texas State Senator Eddie Lucio, Jr., has served as a public official for over 33 years. He has left behind a remarkable legacy in his children, who have degrees in education, administration, supervision, business, engineering, classical music, law, medicine, theater arts, school counseling, chemistry, biology, pharmaceutical sciences, and technology. He truly led by example and inspired his children to be the best they could be in achieving their dreams and goals.

Mr. Speaker, we have had this time to recognize Mr. Eduardo Lucio, Sr.

WORDS OF CONDOLENCE CONCERNING A DEDICATED EDUCATOR

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. HOLT. Mr. Speaker, it is with much sadness that I rise to recognize a teacher and friend, Sona Polakowski. She succumbed to cancer on September 15. I join her husband, Bob, her daughter, Jen, her son, Mark, her family, friends and admirers in mourning her loss and in celebrating her life.

Born in Jersey City, NJ, Sona resided in Lawrenceville, NJ for the past 35 years. A graduate of Seton Hall University, she was project director for the science and science and the Lawrence Township Board of Education. Sona was a member of the New Jersey Education Association, National Science Teachers Association and Congregation Brothers of Israel.

For the past 15 years, it has been my privilege to work with Sona to improve children’s education. Her dedication and devotion was her most apparent characteristic. She gave hundreds of teachers the confidence and knowledge to teach science; and, most of all, she shared her determination. Her effect on others will remain with thousands of students for generations to come. She will be missed by me, my staff, and the many teachers and others with whom she worked.

IN HONOR OF FRANCIS ANTHONY DAVILA-LAWRENCE

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. RANGEL. Mr. Speaker, I rise today to inform my colleagues of the passing of Mr. Francis Anthony Davila-Lawrence, a loving father, veteran, public servant, union leader, community activist who passed away in Brooklyn, New York, on August 5, 2006. I would like to inform my staff, and the many teachers and others with whom I worked during the past 15 years, of my father’s passing.

Francis was a New Yorker. He spent the majority of his life working long and building businesses in and about New York City. Francis married twice, raising three children, whom he loved dearly. With his first wife, Eunice Williams, they raised a son, Michael, and a daughter, Aleta. Later in life, he married Louise Simon, and raised a second son, Mark.

With Frank’s passing goes a library of stories and experiences. He grew up during the Great Depression. He was a part of the first World’s Fair, seeing a microwave decades before they would ever come to use in an American household. He traveled throughout the Bronx, Harlem, and Jamaica, Queens during his youth in a Ford Model T, which he said had terrible brakes. He served in the Navy during World War II, and then went on to work with the Merchant Marines as a civilian worker, and in the Coast Guard during the 1960s.

He was a hard worker. Frank worked as a cook, at several of the large hotels and restaurants in Manhattan before going to work at the New York City Board of Education, where he worked 30 years, retiring as a Senior IBM TAB Operator. He had been one of the few Black or Latino workers to be trained to work on the then-massive IBM computers, which took up whole floors to do what we do today with a laptop. While at the Board of Education, he was an active unionist, serving in several union leadership positions. He was an activist in the fight for dignity and fair wages for working people.

Francis dreamed of bigger and better things for his family and worked to provide opportunities for his children. He worked to exhaustion to make sure his family had what they needed. Later, as a haustion real estate inspector, he amassed a large property in New York City and elsewhere. Frank worked so much that his family often joked that he worked eight days per week. In addition to his full-time job, he maintained a number of supplemental jobs, including working as a cook at Brooklyn’s famous Junior’s Restaurant. Working weekends for the Free Sons of Israel, and as a security guard for the ILGWU (International Ladies Garment Workers Union).

After his retirement at age 65, he purchased a small newsstand in Manhattan’s Wall Street district “just to keep himself busy.” Frank’s personality and laughter lit up rooms. He had a gleam in his eye, and hardly held his tongue. He was an excellent dancer. Throughout his life, he was an avid reader, taking his glasses off and squinting one eye to get a clear look at the words on the pages of the New York Post or the Amsterdam News. He thoroughly enjoyed the fantastic stories of the Hispanic Heritage.

He had a gentle place in his heart that was untouched by life’s hardships. He loved dogs and cats. He also loved children, putting a ship’s silver dollar for luck in many babies’ hands. He was an optimist about his health, the future, and his ability to do things at any point in his life. As a youth, he adventured widely, seeing many parts of the world. When asked about his life’s long list of adventures, he said that more than anything else, he accomplished during this lifetime, he found joy in seeing his children brought into the world. He instilled a sense of family, honor, and justice in his children, maintaining these things matter most in life.

He loved his children passionately. Family was the most important thing in his life and he was more than anything else, a proud father of three wonderful children whose successes filled him with pride throughout his life.

Frank leaves to mourn his loss wife Louise, ex-wife Eunice, children Michael, Aleta and Jason, daughter-in-law Norma, sisters Angela, and Jason, nieces, nephews, extended family and friends.
MARK BRICKMAN—A MAN IN THE KNOW

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. LANTOS. Mr. Speaker, the transparency that makes our legal system the best in the world requires that the public have access to its proceedings, and a chance to view the record. Although often overlooked, the court reporter is a component of this system as he or she sits quietly in the courtroom diligently producing a transcript of the trial. In addition to their work in the courtroom, freelance court reporters are hired to work at depositions and to transcribe conversations between parties. I recently read about the extraordinary work of one court reporter named Mark Brickman, a constituent of mine from San Mateo, CA, and wanted to share his story with my colleagues.

Mark was born in San Francisco, but moved to Millbrae, a talento...
Armenia’s growing tourist industry prides itself on the nation’s fascinating history. Armenian-Americans are contributing to the development of their homeland by investing and promoting the nation on the international stage. Today is a great day for them and their homeland. I congratulate Armenia on 15 years of freedom and progress and trust that our nations will grow even closer in the future as we seek to promote liberty around the world.

Another NASA Success

Hon. Ron Paul
Of Texas
In the House of Representatives
Thursday, September 21, 2006

Mr. PAUL. Mr. Speaker, the National Aeronautics and Space Administration (NASA) successfully completed another space shuttle mission with this morning’s landing of the Space Shuttle Atlantis and the completion of the STS–115 mission. Launched on September 9, STS–115 is the 116th space shuttle mission, and the first since 2002 to include work on assembling and expanding the International Space Station. The successful completion of the STS–115 mission puts the space station back on track for completion.

The major accomplishments of the STS–115 mission include the delivery and installation of the massive P3/P4 truss—an integral part of the space station’s backbone—and two sets of solar arrays that will eventually provide one quarter of the space station’s power. The crew’s other accomplishments include preparing an important radiator for later activation, installing a signal processor and transponder that transmit voice and data to the ground, and performing other tasks to upgrade and protect the space station’s systems.

The STS–115 mission is the first time a procedure called “camp out” was implemented. A “camp out” is where astronauts sleep in the Quest airlock prior to their space walks. The process shortens the “prebreathe” time during which nitrogen is purged from the astronauts’ systems and air pressure is lowered so the space walkers avoid the condition known as the bends. The “camp out” procedure enabled the astronauts to perform more than the number of scheduled activities on each of the mission’s three space walks.

The Atlantis crew performed unprecedented robotics work on this mission. The crew used the shuttle’s arm in a delicate maneuver to hand off the school bus-sized truss to the space station’s arm, and also moved the space station’s robotic arm to a position where it will assist in the next phase of station construction. Perhaps most significantly, the Atlantis crew performed the first full fly around of the space station since before the Space Shuttle Columbia accident. Thanks to the fly around, ground crews now have a better perspective on the space station’s environment and overall exterior health.

Coming less than 2 months after the successful mission of the Space Shuttle Discovery, the Atlantis mission is another demonstration of the skills and dedication of all NASA personal. I therefore urge all my colleagues to extend congratulations to NASA for the successful completion of the Atlantis mission. And extend a special thank you to Atlantis’ crew of Commander Brent Jett, Mission Specialist Joe Tanner, Mission Specialist Steve MacLean, Pilot Chris Ferguson, Mission Specialist Dan Burbank, and Mission Specialist Heide Stefanyshyn-Piper, and the ground team that worked with the shuttle crew to make this mission a success.

Recognizing the Achievement of Betty Buck

Hon. Steny H. Hoyer
Of Maryland
In the House of Representatives
Thursday, September 21, 2006

Mr. HOYER. Mr. Speaker, I want to offer my congratulations today to my good friend and Fifth District constituent, Betty Buck of Upper Marlboro, Maryland, who was recently elected as the Chairman of the National Beer Wholesalers Association. Betty is well known for her leadership in the State of Maryland, and this week she made history by being elected the first woman to lead this important national business trade association.

Betty is the President of Buck Distributing, a beer wholesaler in my District, where she oversees a business with annual sales of more than $40 million and employs more than 100 workers. This is not the first time that Betty’s professional vision and competence have elevated her to a leadership position. She has been recognized for her business acumen by serving on the Committee of America’s Women Business Leaders and as a past Director of the Greater Washington Board of Trade. In addition, she was named one of the Most Powerful Women in Washington in 1997, and was selected to be a member of the Top 500 Women Owned Business Group and the Top 25 Women Who Mean Business by the Washington Business Journal.

Betty is also a dedicated public servant who is deeply concerned about our community. She has served on numerous boards and foundations in the greater Washington, D.C., area, including the Prince George’s Hospital Foundation, the University of Maryland’s Foundation Board of Directors, and United Cerebral Palsy.

In addition to her charity work, Betty has also given her time and expertise to her community by serving as a member of the Maryland Judicial Compensation Committee, the Anne Arundel Planning Advisory Board, and the University of Maryland Commission for School Cooperation.

It is a testament to Betty’s talents that she has accomplished so much in the professional world while also raising a wonderful family, including her children Kelly, Erin, Tim and Dan.

Mr. Speaker, Betty Buck is an inspiration to all those who desire a career in business and who also want to raise a family and be engaged in their community. I salute her efforts, as she rises to the position of Chairman of the National Beer Wholesalers Association.

Congratulating Silver Street Elementary School on Celebrating 90th Anniversary of New Albany, Indiana

Hon. Michael E. Sodrel
Of Indiana
In the House of Representatives
Thursday, September 21, 2006

Mr. SODREL. Mr. Speaker, I would like to take a minute to recognize an elementary school in my district for a truly significant occasion. Silver Street Elementary School in New Albany, IN will celebrate its 90th Anniversary on September 11, 2006, and will welcome another class this year to continue its history of educating the youth of New Albany.

Silver Street Elementary first opened its doors in 1916. Since then, many generations have passed through its halls. The long history of Silver Street allows grandparents to watch their grandkids walk the same halls they once did years before.

Silver Street has continued to be an excellent education institution. Last month, the school received the first Exemplary Award from the State for improving each year in the Indiana Statewide Testing for Educational Progress test scores.

The philosopher Jean-Jacques Rousseau once wrote, “We are born weak, we need strength; helpless, we need aid; foolish, we need reason. All that we lack at birth, all that we need when we come to man’s estate, is the gift of education.” Silver Street Elementary has provided this gift for 90 years and the teachers, administrators and parents involved who provided this valuable service to the New Albany community should be commended.

Mr. Speaker, it is an honor to recognize this fine elementary school that has educated many Hoosiers from Southern Indiana. It is an honor to have a historic building still being utilized for educational purposes in the district I represent. Congratulations to Silver Street Elementary for 90 years of success.

Military Personnel Financial Services Protection Act

SPEECH OF
Hon. Ron Paul
Of Texas
In the House of Representatives
Wednesday, September 20, 2006

Mr. PAUL. Mr. Speaker, as a supporter of ensuring our service personnel have access to a wide range of financial products I am concerned with the provision of the Military Personnel Financial Services Protection Act, S. 418, enacting a complete prohibition on so-called contractual or periodic payment mutual funds, which, according to testimony received by the House Committee on Financial Services, are sold voluntarily with full disclosure to officers at individual meetings held off base.

This is the first time in recent memory that this committee has ever proposed banning a product that is fully permissible under current law and that—again according to testimony received by the committee—is used by thousands of senior military officials to facilitate their financial security. Specifically, we were told that the clients of First Command Financial Planning, the Texas-based company principally involved in this market, has invested...
IN RECOGNITION OF JAMES BARR III

HON. MARK GREEN OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House TDS Telecommunication Corporation's President and Chief Executive Officer (CEO) James Barr III.

For seventeen years, James Barr has been an exemplary leader of a growing Wisconsin business and has served the telecommunications industry with both integrity and distinction. He has played an integral role in the development of TDS Telecom, quintupling annual revenue to more than $300 million and successfully elevating the company to the sixth largest independent telephone company in the country.

Not only did Barr build a customer-focused organization that has won many awards for customer care, he touched the lives of numerous employees whom he helped create a vibrant organization with 3200 employees serving 1.2 million customers in 29 states.

But beyond his hard work and dedication on the job Barr is above all else an upstanding person. Barr has been an excellent leader of several telecommunications boards and service organizations including the United Way of Dane County as well as a caring and supportive husband, father and grandfather.

Mr. Speaker, Mr. Barr should be commended for his outstanding contributions to the telecommunications industry, as well as the great state of Wisconsin. I congratulate him on his years of service and exemplary citizenship and wish him the best in his retirement.

PROVIDING FOR CONSIDERATION OF H.R. 4844, FEDERAL ELECTION INTEGRITY ACT OF 2006

SPEECH OF HON. MARK UDALL OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this bill in its present form.

Having taken an oath to uphold the Constitution, I have a solemn responsibility to vote against even the most politically popular proposals when there are serious doubts about the constitutionality of the legislation. And this bill, transparently brought forward to help the Republican majority whip up public emotions on the eve of a tough election, poses serious constitutional problems—in short, I think it violates the 24th Amendment.

That amendment, added to the Constitution in 1964, says that the rights of Americans to vote in federal elections “shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax” and that Congress “shall have the power to enforce” that part of the Constitution.

But instead of enforcing that constitutional bar on making voting a taxable event, this bill would require states to choose between making some people pay to vote and paying to provide them with the identification that the bill says will be required if they want to exercise that right.

The bill’s supporters say the bill is constitutional because it says that states cannot make anyone pay for identification—they have to provide it free to people who cannot afford the “reasonable cost” of providing it.

But the 24th Amendment is not ambiguous on whether it is permissible to make some people pay to vote, so long as they can afford it. Instead, it makes clear that no Americans—regardless of their income—can be forced to pay “any . . . tax” in order to vote.

And while some may argue that paying for a government-issued ID is not a tax, but just some kind of “user fee,” I am not persuaded—and I would remind them of the words of Richard Darman, OMB Director under President Reagan, who said that “if it looks like a duck and walks like a duck and quacks like duck, it is a duck, [and] euphemisms like user fees will not fool the public.”

That’s one of the reasons the National Association of Counties (NACO) opposes the bill—because, as they say in their letter to the Speaker and Minority Leader, “we fear that any fee imposed on other voters [besides those claiming to be too poor to afford an ID] could be characterized as a poll tax and be subject to challenge in court.”

Further, aside from the constitutional questions, both NACO and the National Conference of State Legislatures oppose the bill because it would impose a burdensome unfunded mandate on every state and every local government. And, as the Conference points out, the bill “is duplicative” and “adds bureaucratic burdens that are completely unnecessary. The REAL ID Act, flawed though it is, already requires a new state identification system based on real ID cards. This second identification system would be used only for voting [but the Help America Vote Act] ... and state and local election procedures...
A TRIBUTE TO COLONEL WILLIAM S. "BILL" McARTHUR

HON. MIKE McINTYRE
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Colonel William S. "Bill" McArthur for his valiant service as an Astronaut with the National Aeronautics and Space Administration (NASA). Colonel McArthur’s dedication, determination and devotion are an inspiration to America and particularly to the citizens of his home county of Robeson and all of southeastern North Carolina.

A native of Lumberton, North Carolina, and a graduate of nearby Red Springs High School, Colonel McArthur has heroically served his country for 33 years. After graduating from West Point in 1973, Colonel McArthur was commissioned as a Second Lieutenant in the U.S. Army and was assigned a tour with the 82nd Airborne Division at Fort Bragg. Following his tour, he entered the U.S. Army Aviation School from which he graduated at the top of his flight class and was designated an Army Aviator. He then served as an aerospace and brigadier aviation section leader with the 2nd Infantry Division in Korea and later as a company commander, platoon leader, and operations officer with the 24th Combat Aviation Battalion. After receiving a Master of Science degree in aerospace engineering from the Geor- gia Institute of Technology in 1983, he was assigned to the Department of Mechanics at West Point as an assistant professor. Four years later, Colonel McArthur graduated from the U.S. Naval Test Pilot School and was designated an experimental test pilot. As a dedicated Master Army Aviator, he completed over 4,500 flight hours in 39 different air and spacecraft.

In 1987, McArthur began his career with NASA as a Space Shuttle vehicle integration test engineer at the Johnson Space Center. Determined to gain recognition in the international aerospace field.

Tribute to Dr. Billy Taylor

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. NORTON. Mr. Speaker, as an original Co-Chair of the Honorary Congressional Host Committee for the Duke Ellington Jazz Festival, with Representative John Conyers, I rise today to recognize one of America’s great jazz musicians and celebrated music innovators, Dr. Billy Taylor. As we look forward to weekend and celebrate the Annual Duke Ellington Jazz Festival in the District of Columbia, we recognize the talented individuals who contributed to the unique sounds that form modern jazz. As a world-renowned jazz artist who uses his talent not only to entertain, but also to educate and inspire, Dr. Billy Taylor will be honored this year with the Festival’s Lifetime Achievement Award. He joins last year’s inaugural honoree, David Brubeck, as a recipient of this award.

I am proud that Dr. Taylor grew up in the District of Columbia in a family that valued artistic expression through music. His talent was undeniable. Dr. Taylor experimented with the sounds of the saxophone, drums, guitar and piano, receiving lessons from Henry Grant, who taught classical piano to the legendary Duke Ellington 20 years earlier. By the age of 13, Dr. Taylor had made his first professional appearance at the Republic Gardens on U Street.

After graduating with a Bachelor of Science in music from Virginia State University, Dr. Taylor took time off to continue to study, practice and perfectly perfect his musical skills. In 1944, he set out for New York City and became instantly emerged in the music scene. Soon after his arrival, Dr. Taylor was invited to play piano in saxophonist Ben Webster’s quartet. He also performed on 52nd Street with the legendary Diz Gillespie. In 1946, Dr. Taylor embarked on an 8-month tour of Europe with Don Redman’s Orchestra, the first American band to visit the continent after World War II. Upon his return, Billy Taylor became the house pianist at Birdland, the historic jazz venue where he was surrounded by pio- neering jazz musicians and played with music greats such as Ella Fitzgerald and Miles Davis.

As an eminent jazz musician, Billy Taylor began to educate the public on the world of
jazz. In the early 1960’s, Dr. Taylor became the first black artist to host a daily radio show, “The Billy Taylor Show,” on WNEW, a major New York station. Dr. Taylor also brought jazz back to Harlem and the surrounding communities through the revolutionary Jazzmobile project, which he co-founded with Daphne Arnstein, a fellow member of the Harlem Cultural Council. The Jazzmobile began with a float borrowed from the Budweiser Beer Company that was converted into a bandstand-on-wheels. The organization produced summer outdoor concerts, lectures and special programs for disadvantaged inner-city youth. Renowned artists such as Dizzy Gillespie, Duke Ellington, Lionel Hampton, Buddy Rich, and Milt Jackson all contributed to the Jazzmobile by performing free outdoor concerts for the public. In particular, Dr. Taylor recalled the excitement of the audience when Duke Ellington performed, saying, “I don’t know who was more excited, the audience, or Duke. He loved playing for the people of Harlem, and they loved him, madly.” The program continues today throughout the United States.

Billy Taylor’s recording career is nothing short of extraordinary. With more than two dozen albums recorded over a span of six decades, Dr. Taylor is renowned within the recording community through such compositions as, “I Wish I Knew How It Would Feel to Be Free” and “Peaceful Warrior,” a work inspired by and dedicated to the memory of Dr. Martin Luther King Jr. In 1990, Dr. Taylor was awarded the National Medal of Arts by President George H.W. Bush and also has received two Peabody Awards, an Emmy, and a Grammy.

Mr. ALLEN. Mr. Speaker, I rise in support of Ms. WATERS. Mr. Speaker, I rise in strong support of the Military Personnel Financial Services Protection Act, S. 416, as passed by the Senate. The bill amends the Investment Company Act of 1940 to make it unlawful for any registered investment company to issue or sell any periodic payment plan certificate. In short, the bill will protect the members of our Armed Forces from unscrupulous practices regarding the sale of insurance as well as other financial and investment products.

Many of us have known for some time that members of our Armed Services have been preyed upon by unscrupulous individuals in the financial services arena. Members of the Armed Services are often the victims of aggressive and misleading sales practices and schemes that result in exorbitant commissions and fees for insurance products, etc. Some sales commissions are in excess of 50 percent on the first year of contributions to the insurance product. In addition, certain life insurance products are being marketed as investment products, providing minimal death benefits in exchange for excessive up-front premiums.

I believe that this bill takes a major step to close the existing loophole in the law allowing the proliferation in the sale of these products. Mr. Speaker, it would be disgraceful if, after the sacrifices made by the men and women in our armed services, this body allowed these practices to continue. Today we should send a strong message to the people in the industry who would put profit above the well-being of our troops by passing S. 416.

The sooner we can pass this legislation and other measures to protect our service men and women from these predators the better off we will be. I urge my colleagues to support this bill.

THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPREECH OF

HON. MAXINE WATERS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. WATERS. Mr. Speaker, I rise in strong support of the Military Personnel Financial Services Protection Act, S. 416, as passed by the Senate. The bill amends the Investment Company Act of 1940 to make it unlawful for any registered investment company to issue or sell any periodic payment plan certificate. In short, the bill will protect the members of our Armed Forces from unscrupulous practices regarding the sale of insurance as well as other financial and investment products.

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

SPREECH OF

HON. THOMAS H. ALLEN
OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. ALLEN. Mr. Speaker, I rise in support of H.R. 5450 and applaud Representative Ehlers, Chairman Boehlert and the members of the House Science committee for their work on this bill. However, I am also deeply concerned with H.R. 5450. My concern, however, is not what is actually in this bill, but what is missing. Because the House Resources Committee refused to consider this important legislation, we are now debating a bill that does not include authorization for the oceanic component of NOAC.

This greatly disappoints me. As a co-chair of the bipartisan House Oceans Caucus, I have worked closely with the line offices of NOAA that handle ocean stewardship, and I have always been amazed at the size and importance of their mission considering what little Congress gives them in the way of guidance or funds. Funding that should go to NOAA to bolster ocean research and management already pales in comparison to other national resource programs, and now, we are about to authorize only the atmospheric component of NOAA. This is just another example of the failure of this Congress to make the management of our oceans a priority. This amazes me, considering the size and economic value of our oceans.

We have been called to make our oceans a greater priority for more than 6 years now. When are we going to act? After our fish stocks are fully depleted? After global warming has caused rising sea levels to erode our beaches and the oceans to become so acidic that coral reefs have wasted away? In 2000, with the passage of the Oceans Act, Congress called for a National Commission on Ocean Policy to conduct a nationwide fact-finding mission on our nation’s oceans. The goal was to develop policy recommendations that would lead to a coordinated and comprehensive national ocean policy. The independent Pew Oceans Commission underwent a similar process to identify the root problems threatening our oceans. The products of these two commissions are nothing short of remarkable. Both commissions independently came to the same clear message: our oceans are in peril.

It is NOAA that must tackle these challenges. As the lead agency on ocean management, both commissions acknowledged the size of the task that NOAA faces. Americans are facing declining fish stocks, beach closures due to poor water quality, and laws that are inadequate to protect our oceans. Both commissions have called on Congress repeatedly to provide NOAA with an organic act. In fact, both have listed an organic act as one of the highest priorities in taking steps towards better management of our oceans.

NOAA already administers the three programs that manage our ocean resources, and again, does so under an ever tightening budget. For example, National Marine Fisheries Service manages all Federal fisheries under the Magnuson-Stevens Act. The Office of Ocean and Coastal Resource Management administers the Coastal Zone Management Act that protects our coasts from pollution and erosion. Congress sure likes to give NOAA a lot to do, but nothing to do it with.

Furthermore, NOAA also administers a number of completely unauthorized programs that Americans depend on. The Ocean and Atmospheric Research office played a lead role in helping institute an integrated ocean observation system based on what we already have in the Gulf of Maine. NOAA’s role in the routine monitoring of weather and climate, ocean observation collects a myriad of temperature and current data that enhances the prediction of hurricanes and storms, the impacts of global warming, and is used by scientists and military as a tool to plan our fleets for navigation. Despite the multiple uses of ocean observation, the regional associations are now at risk of shutting down because as an unauthorized program, they are unable to find a sustainable funding path. It is ridiculous.

In essence, this innovative program may have to shut down for being too ahead of its time. The challenges NOAA faces are only going to increase over the next century. More than
50 percent of the population already lives in coastal counties, and the numbers are rising. To support NOAA in their task, Congress must provide it with a full organic act. With an organic act, the offices that run the core programs that Americans nation-wide depend on would be provided with an established mission. A clear mission would help NOAA prioritize and justify itself during appropriations, perhaps head off the crippling cuts that are leveled against it each year. Guidance from Congress would also help NOAA reorganize and enhance inter-office and inter-agency communication, thus making NOAA operations more efficient and streamlined.

While I support H.R. 5450 for taking us toward the goal of authorizing NOAA, we must remember it only takes us halfway. By authorizing only the atmospheric and educational components of NOAA, we fail half of this vital agency, and I urge Congress to make a full organic act for NOAA a priority.

INTERNATIONAL DISASTER RISK REDUCTION ACT

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. BLUMENAUER. Mr. Speaker, from hurricanes and floods in Latin America to earthquakes in Asia, natural disasters are increasingly becoming a regular feature of life for large numbers of people around the globe. By 2050, two billion people are expected to be especially vulnerable to floods due to growing populations, indiscriminate logging on hillsides, rapid urbanization, and increasing development along coasts and in other hazardous regions.

Thankfully, as I have seen on trips to disaster-affected areas, the devastating impacts of natural disasters can be mitigated by building in safer locations, constructing sturdier dwellings, enforcing sound building practices, and protecting natural ecosystems. For example, communities in Indonesia that had intact mangroves along their coastlines were protected from the full force of the December 2004 tsunami and faced less damage and fewer lives lost. In many Indonesian towns, the only buildings left standing were the mosques, having been built to a higher standard.

In 2004, the United States spent $529 million responding to disasters in foreign countries, making us the largest donor for disaster relief, recovery, and rehabilitation. However, according to a study by the World Bank and the United States Geological Survey, during the 1990s, $40 billion invested globally in preventive measures could have saved $280 billion in disaster relief funds and saved countless lives.

To address these issues, Mr. Burton and I are introducing the International Disaster Risk Reduction Act. This bill promotes the use of disaster mitigation efforts in foreign countries, authorizes assistance to help in those efforts, and requires that U.S. disaster relief efforts help make communities less vulnerable to future disasters.

IN HONOR OF PLANTRONICS

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Plantronics of Santa Cruz, California on being recognized as one of the Top 25 medium companies places to work for in America by the Society for Human Resource Management (SHRM). This honor is bestowed only upon the most deserving companies in the country who meet high standards of employment.

Plantronics is a hardware company from Santa Cruz that specializes in lightweight headsets and is the market leader worldwide. The company was founded in 1961, and was the first to introduce the lightweight communication headset in 1962, and in 1969 a Plantronics headset carried Neil Armstrong's first words from the moon. Plantronics have remained on the cutting edge of headset technology ever since it's founding and continue to raise the bar in the field.

Each of the companies recognized by SHRM is dedicated to communicating clearly with their employees and encouraging their workers to voice their opinions. In addition, these companies provide generous salaries and benefit packages. In return, their employees are motivated and invested in the organization, making these companies some of the most successful medium-sized businesses in their industries.

Plantronics is known to have flexible hours for its employees, allowing them to take time to participate in exciting activities that Santa Cruz has to offer such as surfing, cycling, and hiking. They have a subsidized on-site cafeteria which serves locally grown, organic fruits and vegetables. Importantly, Plantronics is active in the community, and contributes to local service organizations.

Mr. Speaker, it is my honor to acknowledge Plantronics for their recognition as one of the best places to work in the country and I wish them continued success.

CELEBRATING THE CAREER OF UNION REPRESENTATIVE GERI OCHOCINSKA

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. HIGGINS. Mr. Speaker, it is my distinct honor to recognize the career of Union Organizer and Negotiator Geri Ochocinska, who is retiring after a distinguished career as Director of UAW Region 9.

Ms. Ochocinska has been a leader of the Labor movement since 1965 when she helped organize Rich Ice Cream Co. Following this success, she joined UAW Local 55 as a Technical, Office and Professional unit Chair. She was then promoted up the ranks of Local 55, serving at various times as Office Manager, Administrative Assistant to retirement and Welfare funds, Business Representative, Vice President and Financial Secretary.

In 1976, Ms. Ochocinska was appointed International Representative, serving 60 companies in the Western New York area for her local UAW. She held this post until her election as UAW Regional Director. Elected in 1998, Ms. Ochocinska became the first woman to hold the post of Regional Director of the UAW. As Regional Director of UAW Region 9, Ms. Ochocinska represented the 91,898 active and retired members of the UAW from Western and Central New York, New Jersey, and most of Pennsylvania. She was re-elected to her post in 2002.

A recent article printed in Western New York's Business Newspaper, Business First, pointed out that Geri Ochocinska has risen higher than any woman in the history of organized labor in Western New York. Geri receives recognition as a great negotiator. She is a woman who takes firm stands in negotiations. She also is known for her compassion and for the nurturing ways she cared for and fought for UAW workers.

Ms. Ochocinska's retirement is a loss to the Labor Community of Western New York, Mr. Speaker, and I'd like to take this opportunity to thank her and congratulate her for a lifetime of service to the working men and women of Western New York.

HONORING THE HONORABLE MARY DENNY

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Representative Mary Denny for her service in the Texas House of Representatives.

Representative Denny has played an intricate part in the development of the Republican Party in Denton and the North Texas region over the past 20 years. She has helped in over 300 State, Local and National elections in her career and has represented Denton County in both State and National Republican conventions.

As a local businesswoman and former teacher, she graduated from the University of North Texas with a bachelor's degree in Education. She is presently serving her 6th term as State Representative for the 63rd district in Texas. Currently Mrs. Denny is assigned to several House Committees including; Chairman of Elections, House Criminal Jurisprudence, House Administration committee, and the Select Committee on Ethics.

Throughout her amazing career Mrs. Denny has received several awards recognizing her achievements as both a businesswoman and a legislator. She has been recognized for the past four consecutive terms as a Leader of Excellence by the Free Enterprise Committee, a special honor given to the top ten percent of conservative legislators. She has also been recognized as a Friend to the Taxpayer and honored as an Outstanding Legislator by the American Family Association of Texas.

Mr. Speaker, it has been my distinguished honor to work alongside Mrs. Mary Denny for the improvement and development of Denton, Texas. Her leadership and commitment to the citizens of Denton County is remarkable and it has been a privilege to know such a dedicated individual.
HON. GWEN MOORE  
OF WISCONSIN  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 21, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise to pay tribute to the life and work of Mr. Leonard Sykes, Jr., a highly respected, deeply principled and thoroughly knowledgeable Milwaukee journalist. Mr. Sykes died September 17, after suffering a stroke earlier this summer.

Mr. Sykes dedicated his professional life to ensuring that the practice of journalism in Milwaukee and across the country should grow to reflect the full range of life in communities of color. He came to Milwaukee in 1986, having already established a strong journalism career with stints at Jet Magazine and the Waukegan, IL, News-Sun. During his tenure at the Milwaukee Journal Sentinel, he covered issues that were at the heart of the urban, African American experience, including civil rights, poverty, job training, and anti-violence efforts. He was dedicated to highlighting community efforts that helped hold families and neighborhoods together. A one-time city editor at the Journal Sentinel, he was working as an urban affairs reporter at the time of his death.

An award-winning journalist and consummate professional, Mr. Sykes was known throughout the Milwaukee area for bringing dignity and passion to his work. His writing never failed to highlight a keen understanding of the issues. His unique insights derived from skillful research and encyclopedic knowledge of Milwaukee and its people. His no-nonsense approach to the issues sometimes touched a nerve with policymakers, power brokers, and the community at large. Perhaps because of his commitment to seeking truth and airing out the assumptions that underlay conventional wisdom, his work was well respected among the powerful and disenfranchised alike.

As chair of the Journal Sentinel’s Minority Caucus, and through his work with the Wisconsin Association of Black Journalists, Mr. Sykes endeavored to expand coverage of communities of color across the state and throughout the country. Notwithstanding this effort—and the glimpse it afforded into the African American community—his reach, focus and scope transcended race. I will miss his powerful intellect and his commitment to using his position to speak truth to power. His death leaves a void not only in the Milwaukee Journal Sentinel newsroom, but in the Milwaukee community as a whole.

HONORING THE PLAINVILLE UNITED METHODIST CHURCH ON ITS 125TH ANNIVERSARY  
HON. NANCY L. JOHNSON  
OF CONNECTICUT  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 21, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to honor the leadership and congregations of the Plainville United Methodist Church on the occasion of its 125th anniversary. Every day, the members of the Plainville United Methodist Church give testament to the church’s mission to faithfully participate in the ministries of the church through their prayers, presence, gifts and service.

This mission began in the late 1870s when “The People called Methodist” began their worship in Plainville. A tent was used as their place of worship until a church was constructed. On December 26, 1881, the cornerstone was laid for the old building on Canal and Broad Streets, and the edifice was made ready for occupancy on November 15 of the following year.

For many families and communities, the beliefs held and shared in places of worship play an important role in their daily lives. The congregation of the United Methodist Church has proven through the years that its faith is as firm and unshakeable as the foundation of the building in which it worships today. I hope that the 125th anniversary celebration represents the beginning of many more years of worship and community for the Plainville United Methodist Church and the many individuals and families who comprise its congregation.

HONORING ERIKSON INSTITUTE’S 40TH ANNIVERSARY  
HON. DANNY K. DAVIS  
OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 21, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate the Erikson Institute of Chicago on its 40th anniversary. The Erikson Institute is an innovative institution dedicated to cultivating superior early childhood educators of minority and low-income children. The Erikson Institute was founded as a response to increased government programs for the children and education. With the inception of the Head Start program in 1965, three esteemed child advocates—Maria Peirs, Lorraine Wallach, and Barbara Taylor Bowman—recognized the need for quality early child educators, especially those trained to teach minority and low-income children. Erikson Institute, with funding from B. Harris, opened its doors in 1966 and has upheld its commitment to excellence throughout the past four decades.

Erikson’s mission of ensuring that every adult who works with young children is knowledgeable, aware, and skilled is more important now than ever. Early childhood education is especially important to low-income children. Therefore we know that prekindergarten programs have a positive impact on the cognitive performance of children living in poverty. A critical component in the process of educating young children is having well-trained teachers. In 2001, 72 percent of all urban public school elementary students in prekindergarten programs came from families classified as low-income by the Early Childhood Longitudinal Study. This study also found that roughly half, 51 percent, were minority students. In Chicago there are 19,053 pre-school students, 2,659 of which are special needs children. The 7th District of Illinois, my congressional district, is home to 11,966 pre-school students. Clearly, there is a need for quality early childhood educators. The Erikson Institute fulfills an important role in training these instructors.

Graduates of the Erikson Institute have learned every aspect of childhood development. Not only does the Erikson Institute provide a superior education, they also conduct important research on the needs of young children.

HONORING THE PLAINVILLE UNITED METHODIST CHURCH ON ITS 125TH ANNIVERSARY

This mission began in the late 1870s when “The People called Methodist” began their worship in Plainville. A tent was used as their place of worship until a church was constructed. On December 26, 1881, the cornerstone was laid for the old building on Canal and Broad Streets, and the edifice was made ready for occupancy on November 15 of the following year.

For many families and communities, the beliefs held and shared in places of worship play an important role in their daily lives. The congregation of the United Methodist Church has proven through the years that its faith is as firm and unshakeable as the foundation of the building in which it worships today. I hope that the 125th anniversary celebration represents the beginning of many more years of worship and community for the Plainville United Methodist Church and the many individuals and families who comprise its congregation.

Mr. Speaker, as W.E.B. DuBois once said, “We must insist upon this, to give our children the fairness of a start which will equip them with such an array of facts and such an attitude toward truth that they can have a real chance to judge what the world and what its greater minds have thought it might be.” It is my great honor to commend the Erikson Institute on four decades of excellence in training those who educate our youngest children.

HONORING ERIKSON INSTITUTE’S 40TH ANNIVERSARY

HON. JIM GERLACH  
OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, September 21, 2006

Mr. GERLACH. Mr. Speaker, I rise today in recognition of the National Psoriasis Foundation and of August as Psoriasis Awareness Month to bring much-needed attention to an often overlooked and serious disease that affects constituents in each of our districts. According to the National Institutes of Health, NIH, as many as 7.5 million Americans are affected by psoriasis—a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. Ten to thirty percent of people with psoriatic arthritis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. Psoriasis is widely misunderstood, minimized and untreated. In addition to the pain, itching and bleeding caused by psoriasis, many affected individuals also experience social discrimination and stigma. Many people also mistakenly believe psoriasis to be contagious. Psoriasis typically first strikes between the ages of 15 and 25 and lasts a lifetime. As such, psoriasis and psoriatic arthritis impose significant burden on individuals and society; together they cost the National Psoriasis Foundation, researchers and patients $2 billion and $3 billion in treatments each year.

Despite the serious adverse effects that psoriasis and psoriatic arthritis have on individuals, families and society, psoriasis and psoriatic arthritis are underrecognized and underfunded by our Nation’s research institutions. The NIH has spent less than $1 per person with psoriasis on average each of the last 10 years. At the historical and current rate of psoriasis funding, NIH funding is not keeping pace with research needs. The scientific advisors of the National Psoriasis Foundation believe that between 5 and 10 additional psoriasis-specific investigator-initiated research...
grants are needed each year to begin to make real progress toward improved treatments and, eventually, a cure.

There are an average of 17,000 people living with psoriasis and psoriatic arthritis in every congressional district—estimate based on 2000 Census Data/Census apportionment population with the median size of a congressional district of 646,952 and prevalence rate of 2.6 percent. Approximately 320,000 people are affected by psoriasis in Pennsylvania.

Fortunately, we have two support groups in Pennsylvania affiliated with the National Psoriasis Foundation: the Philadelphia Psoriasis Support Group and the Pittsburgh Psoriasis Support Group. Both groups have a welcome and knowledgeable support group to help them know they need not face their disease without help. Support group interaction and discussion provides individuals affected by this debilitating disease with much-needed comfort, assistance and resources. The work of the support groups in Pennsylvania is invaluable, and I commend the efforts of those involved.

I thank the National Psoriasis Foundation for all of its efforts and leadership over the last 38 years and am grateful to the foundation for its continued support of its members for their ongoing commitment to improving the quality of life of people who have psoriasis and psoriatic arthritis. Moreover, I thank the constituents, Kathleen Brickley, Carl and Sandy Christofano, Eileen Gallant and Lara Wine Lee, who visited my Washington, DC, office earlier this year to educate me and my staff about the challenges associated with psoriasis and psoriatic arthritis. This year, the National Psoriasis Foundation had nearly 100 participants join in its Capitol Hill Day to elevate awareness and understanding of psoriasis and psoriatic arthritis and have policymakers take action to address access to care and boost the nation’s research efforts.

Too many people suffer needlessly from psoriasis and psoriatic arthritis due to incorrect or delayed diagnosis, inadequate treatment options, and/or insufficient access to care. I stand ready to work with my constituents and the National Psoriasis Foundation to help elevate the importance of expanding psoriasis and psoriatic arthritis research and ensuring access to care and treatment for this disease. I urge my colleagues to learn more about psoriasis and psoriatic arthritis, to take action to support their affected constituents and to support the National Psoriasis Foundation in its important endeavors.

75TH ANNIVERSARY OF THE TOPEKA HIGH SCHOOL BUILDING

HON. JIM RYUN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. RYUN of Kansas. Mr. Speaker, I rise today in memory of the 75th Anniversary of the Topeka High School building. Topeka High is the largest high school in the Kansas capital, with more than 2,000 students in the student body. It is also a focal point of pride for the entire community.

Most recognized by its 165-foot bell tower, the school owns its gothic architecture to Chester Woodward, a local financier and bibliophile, who led the Board of Education during the school’s construction. At least three British landmarks inspired the Troy campus, including Henry VIII’s Great Hall at Hampton Court Palace and the College Tower of Magdalen College, Oxford.

But the school’s gothic architecture is not its only notable feature. Topeka High also has a unique connection with the Navy’s oldest warship, the U.S.S. Constitution, “Old Ironsides.” Its cross jack spar is the school’s main flagpole on THS Constitution Plaza. In June 2005, the building was placed on the National Register of Historic Places.

More important than the physical structure though, are the men and women who have taught and studied at Topeka High School since its doors opened in 1871. Over 40,000 students have proudly worn the colors of black and gold since then. Its alumni include a Vice President of the United States, a U.S. Senator, a university president, a Fortune 500 CEO, a World War II fighter pilot, and four Rhodes Scholars among many other distinguished alumni.

Like any venerable institution, Topeka High School’s faculty and student body has earned numerous awards. Topeka High has boasted numerous State and National champions in debate, forensics, Junior ROTC drill, music, foreign language, math, and athletic competitions. As an institution, THS has previously been recognized with the Bellamy Flag Award as best school in the State, and the U.S. Department of Education recognized Topeka High in 1989 as a School of Excellence.

So on the occasion of this 75th Anniversary, it is with great respect and admiration that I recognize the students, teachers, and administrators of Topeka High School. The school continues to be a cornerstone of the Topeka community. It is my hope that we can honor the legacy of those who have created this great school by committing to the education of the next generation of leaders for Topeka, Kansas, and the Nation.

PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

SPEECH OF
HON. K. MICHAEL CONAWAY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 14, 2006

Mr. CONAWAY. Mr. Speaker, I am committed to using my best informed judgment in deciding how I vote on each bill that comes before the House of Representatives.

My goal for securing the borders is to provide the U.S. Government the right tools, assets, including fences and vehicle barriers, equipment, and number of agents to interdict every person trying to illegally cross into our country. We should approach meeting this goal in a systematic and thoughtful process. In my judgment, The Secure Fence Act does not do this.

The first step is to thoroughly analyze what is needed along all of our borders to meet our goal. At a minimum, the Border Patrol should be asked to provide us with what they think in their professional judgment is needed to do their job. The Secure Fence Act starts this type of analysis as it relates to the northern and maritime borders with the requirement that the Department of Homeland Security spend the next year developing a rational program for meeting our goal as it relates to these borders. As for the southern border, the bill simply requires that 700 miles of fencing be built at locations fixed by the bill by May 2008.

The bill set the amount of fencing for the southern border at 700 miles without properly consulting the Border Patrol, who knows best where a fence is needed. A proper analysis of the problem may show that we actually need 1,000 miles or it may show us that only 500 miles is needed to secure the border. In addition to knowing how much fencing is needed and where the fencing will be most effective, we should know how much the fencing is going to cost. At the time of the vote, the Congressional Budget Office had not determined how much the fencing and the other mandates in the bill are going to cost. While cost is not necessarily determinative of whether we should proceed, nevertheless it is an important consideration that should have been known before we voted on the bill.

The bill designates specifically where the fencing is to be built in Texas and other communities where the fence is mandated to be constructed should have some input into this bill before the law was passed. Also, most of the border between Texas and Mexico is private property. We should have known what impact that will have on the cost of constructing the fence as well as how much of the property might have to be taken via eminent domain proceedings.

One final note Mr. Speaker, I believe it is important to try, although we are rarely successful, to work with members of the other party when we are developing public policy. Congressman SILVESTRE REYES, a former Border Patrol sector chief from El Paso, voted against the bill, as did Congressmen HENRY CUELLAR, RUBÉN HINOJOSA, and SOLOMON ORTIZ, all of whom represent parts of the border.

Mr. Speaker, I remain fully committed to securing the border. I am also committed to achieving that goal in the best and most cost effective manner possible. I will continue to work with my colleagues on securing our borders in the weeks ahead. It is important that we get it done as quickly as possible, but simply throwing up a costly fence without the proper planning is not the answer.

IN HONOR OF MS. LISA BLUNT-BRADLEY

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Lisa Blunt-Bradley in recognition of her service as a dedicated public servant and as the President and CEO of the Metropolitan Wilmington Urban League.

The Metropolitan Wilmington Urban League, MWUL, actively works to assist the disproportionately large African-American, Latino, and other ethnic populations who remain susceptible to wide-ranging disparities in income and educational attainment for themselves and their children. Under Lisa’s leadership, the MWUL has built opportunities for people of color by setting the tone of the public policy
discourse, engaging in principled advocacy, and creating strong community partnerships.

In 2004, Ms. Blunt-Bradley became President of the MWUL and under her leadership the organization successfully implemented the Achievement Matters Education Program. The Achievement Matters Campaign is an academic achievement initiative that will provide community and school-based interventions for children in Wilmington from grade 6 through to graduation. The program is designed to provide regularized children with the skills they will need to be competitive in the job market of tomorrow.

Ms. Blunt-Bradley’s successful career did not begin at the MWUL; she has a long legacy of success in community leadership. The American Council of Young Political Leaders honored Ms. Blunt-Bradley with the Gary L. McPherson Distinguished Alumni Award in 2003. Additionally, prior to working at the MWUL, Ms. Blunt-Bradley served as Secretary of Labor and Deputy Secretary of Health and Social Services for the State of Delaware. In those roles she oversaw the day-to-day management of the largest agency in the State of Delaware with approximately 4,500 employees. Her supervisory and leadership roles in providing services to individuals with disabilities, and providing emergency shelter for the homeless. In addition, as the State agency’s liaison to the Delaware General Assembly, she worked on issues such as child support enforcement legislation and regulation of managed healthcare.

Mr. Speaker, in closing, I would like to once again commend Ms. Blunt-Bradley on her success while at the helm of the Metropolitan Wilmington Urban League. Lisa’s constant professionalism, tireless leadership, and appetite for hard work have improved the lives of countless children and adults in Wilmington and throughout the State of Delaware.

HON. GEORGINA AND TAYLOR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to commissar at hand the 15th anniversary of Armenia’s independence. This important event marks the recognition of the rights of the Armenian people to be independent, and was one of the first countries to recognize that independence in 1991.

As one of the first countries in post Soviet Union Europe to embrace the ideals of freedom and democracy, Armenia has taken great strides down the path of democratic change and development. All of this has been done in the shadow of the great adversity that these proud people have endured. Over the last fifteen years the Armenians have proven their commitment to democratic values and a secure and stable Caspian region.

My district in California is home to thousands of Armenians who I am grateful to have worked with and become friends with during my time in Congress. They, and all Armenian people, deserve our most heartfelt congratulations on this momentous anniversary.

FISHING RULES TAKE THEIR TOLL
HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, in my representation of the City of New Bedford, I have of course spent a significant amount of time on matters affecting the fishing industry that is so vital to that community, economically, culturally, and in every other relevant way. In doing so, I have benefitted from the wisdom and experience of a number of people involved in the fishing industry, of which one is Deb Shradrer, the executive director of an excellent organization called Shore Support Inc.

As part of a very useful series that the New Bedford Standard Times is carrying on the impact of fishing rules on the industry, I have established an article in the Standard Times for September 20, which gives an excellent summary of the difficult economic impact which is position of current fish rules puts so many hardworking people and their families. I hope that all readers will get the chance to read this because they will understand why I am working as hard as I am for amendments to the Magnuson Act, which will in my opinion recognize the legitimate economic interests of people in the fishing industry and will do so in ways that do not jeopardize any valid environmental concerns.

Mr. Speaker, no one should be voting on fishing issues without having a full understanding of the matters that Deb Shradrer discusses so well, and for that reason I ask that her article from the Wednesday, September 20, Standard Times be printed here.

FISHING RULES TAKE THEIR TOLL
Thursday, September 21, 2006

By Deb Shradrer

How fishing rules are affecting the people in a fishing community is nearly a taboo subject. Though the Magnuson Act of 1976 requires that the economic impact of fishing regulations be studied, in fact the impacts are rarely measured, the information that is gathered is considered anecdotal or it’s ignored. Measuring the cumulative effects of these omissions is impossible, much like retracing the steps of a dinosaur after their extinction.

Presently, Shore Support, Inc. is working with UMass Dartmouth and its School for Marine Science and Technology, and economists Georgianna and I conducted a study of the most recent effects of regulations on groundfishermen. We have been meeting with fishermen, aboard their boats, to talk with them. We recently spoke with members of a crew who, after spending 10 days at sea, working two nine-hour shifts with three hours rest in between, came home to a pay check of $750. If you work our the 18 hours a day, multiply by 10, and then divide the $750 by the 180 hours worked, these fishermen make $1.3, but after expenses like fuel, food, and ice are deducted, this would mean $7.5 million will be removed from the economy, $7.5 million that would not be spent in local communities. The crew splits the remaining 50 percent (after expenses like fuel, food, and ice are deducted) with fishermen, crew members, and support industries. The billions of dollars that have been deducted from the wisdom and experience of a number of people involved in the fishing industry, of which one is Deb Shradrer, the executive director of an excellent organization called Shore Support Inc. as part of a very useful series that the New Bedford Standard Times is carrying on the impact of fishing rules on the industry, I have established an article in the Standard Times for September 20, which gives an excellent summary of the difficult economic impact which is position of current fish rules puts so many hardworking people and their families. I hope that all readers will get the chance to read this because they will understand why I am working as hard as I am for amendments to the Magnuson Act, which will in my opinion recognize the legitimate economic interests of people in the fishing industry and will do so in ways that do not jeopardize any valid environmental concerns.

Mr. Speaker, no one should be voting on fishing issues without having a full understanding of the matters that Deb Shradrer discusses so well, and for that reason I ask that her article from the Wednesday, September 20, Standard Times be printed here.
paying for expenses due to changing regulations (limited days at sea, catch limits and gear restrictions). Support industries are crucial to the survival of the fleet. And the survival of the fleet is crucial to the survival of the support industries. This interdependence puts our port city in danger of losing not only our fishing fleet, but these businesses as well.

While we all know that money does not bring happiness, not being able to support your family will take the joy out of life. Recently implemented regulations and those proposed in Framework 42 have added a new degree of insecurity to an already difficult industry. Fishing has always been physically demanding and dangerous work.

Fishermen’s wives have always worried about whether their husbands would return safely to port. But today, because of these regulations, with each trip, groundfishermen wonder whether they will be able to provide for their families.

HONORING THE UNITED NATIONS INTERNATIONAL DAY OF PEACE

HON. MICHAEL M. HONDA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. HONDA. Mr. Speaker, I rise today to recognize the United Nations International Day of Peace. In 2002, the United Nations General Assembly declared September 21 as the permanent date for International Peace. Its purpose is to encourage the manifestation of the vital Spirit that unifies us amid our diverse ways. In a time where we are witness to mass violence, acts of genocide, and war, the United Nations International Day of Peace draws attention to the need to implement strategies linking development, security, human rights and peace into a cohesive framework.

It also presents an opportunity for citizens of our country to honor the Decade for a Culture of Peace and Non-Violence for the Children of the World, which emphasizes the need for the international community to recognize and implement strategies to focus on and ensure assistance for children exposed to harmful and dangerous work.

On this day when we focus on the goal of individual and collective progress toward building cultures of peace, we must pause to remember the tragic loss of 2,685 fallen American heroes and the estimated 48,000 civilians in Iraq who have lost their lives due to war and violence.

As the lone remaining superpower, America serves as a model for other nations, and it is our duty to lead others to peace. On this International Day of Peace, we must reflect actions our nation can take to alleviate tensions and causes of conflict, such as bringing our troops home safely using an exit strategy that is executed with accountability and diplomacy and which helps achieve harmony among other nations.

As a proud representative of California’s 15th Congressional District, I am committed to devoting myself and my district to building cultures of peace for the children of the world and for future generations. My constituents and I believe that peace will only be achieved as we reflect on this day serve to strengthen the ongoing legacy of democracy, liberty and equality within our country.

IN RECOGNITION OF THE CHICAGO ACADEMY FOR THE ARTS COLLEGE PREPARATORY HIGH SCHOOL

HON. RAHM EMANUEL
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of The Chicago Academy for the Arts, recently awarded this year’s Creative Ticket National School Distinction Award from the Kennedy Center’s Alliance for the Arts Education Network.

The Chicago Academy for the Arts High School has served the students and families of the city of Chicago as well as students from Indiana and Wisconsin since 1981. The students at The Chicago Academy for the Arts have established an impressive record of academic achievement as well as artistic talent ranging from fine arts to acting to costume and set design. Ninety-seven percent of the Academy’s graduates go on to top colleges and conservatories.

Since 1981, The Chicago Academy for the Arts has served as one of five private, independent, college-preparatory arts high schools in the United States. In addition to a traditional high school curriculum, students are given intensive training in the fields of: Music, Visual Art, Dance, Theater, Musical Theater, and Media Arts. Each day, students spend 5 hours in academics and 3 hours in their chosen art major, all of which include classes in theory, history, and technique.

The Chicago Academy for the Arts is designed to maximize each student’s potential to communicate through the arts. The Arts Academy strives to prepare students to think critically and independently in order to prepare them to succeed in both higher education and their chosen field in the arts.

Alumni from The Chicago Academy for the Arts have gone on to attend schools such as the University of Chicago, Northwestern University, The Julliard School, Brandeis University, and New York University and include such notable alumni as actors John Cusack and Lara Flynn Boyle; screenwriter and director Adam Ritkin; and composer Alex Wurman as well as members of the Joffrey Ballet, New York City Ballet, Alvin Ailey American Dance Theater and the Radio City Music Hall Rockettes.

Mr. Speaker, as a member of the Congressional Arts Caucus, I believe that it is important to support and recognize quality education in the arts. The Chicago Academy for the Arts is a shining example of art in education at its best. I am proud of the students, faculty and families of the school and I wish them continued success in the coming years.

GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. KENDRICK B. MECK
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MECK of Florida. Mr. Speaker, I recently took two actions regarding the genocide in Darfur that I wanted to bring to your attention.

At the U.N. General Assembly in New York on Tuesday, the president of Sudan claimed that the genocide in Darfur is a myth propagated by Jewish organizations raising money for Israel.

President Omar Hassan al-Bashir remarked that those “who made the publicity, who mobilized the people, invariably, are Jewish organizations.”

This statement is unconscionable and demands a vigorous response. Such Anti-Semitic remarks have no place in our world, let alone at the U.N. General Assembly.

Furthermore, the mass killings, rapes and displacement of innocent civilians in Darfur are tragically well documented. The United States Holocaust Museum has issued a Genocide Emergency for Darfur.

Today I signed a letter with several other Members of Congress demanding that President Omar Hassan al-Bashir of Sudan retract his baseless remarks. The letter calls on the Sudanese government to abide by the Darfur Peace Agreement and the will of the U.N. Security Council.

A copy of this letter is reprinted below for your information.

In addition, I am an original co-sponsor of the Darfur Accountability and Divestment Act of 2006. This legislation will ban federal contracts going to corporations doing business in Sudan that directly or indirectly support the genocide.

Countless organizations have dedicated untold hours to stopping the carnage and human suffering in Darfur.

These organizations include the American Jewish World Service, Amnesty International, International Committee of the Red Cross and the NAACP.

The U.S. Congress must enact the Darfur Accountability and Divestment Act of 2006 and join this list of international groups working to end the genocide in Darfur.

Sundown on Friday night marks the start of the Rosh Hashanah holiday, the Jewish New Year 5767, thus beginning a 10-day period of personal reflection and contemplation for Jews around the world.

This is a moment in human history when the poignant expression “Never Again” must be repeated over again, coupled with real action to end this tragic period of human suffering.

President Omar Hassan al-Bashir, President of Sudan, Washington, DC.

Dear President al-Bashir: We were shocked to hear your comments on Tuesday, September 20th, at the U.N. General Assembly where you stated that reports of deaths and refugees in Darfur are “fictions,” and that those “who made the publicity, who mobilized the people, invariably, are Jewish organizations.”

Many of us have traveled to Darfur and seen the death, destruction, and misery of the innocent civilians of Darfur with our own eyes. The last 3 years of violence in Darfur have resulted in the death of an estimated 200,000 people and millions have been forced from their homes. This atrocity has been encouraged and facilitated by your government.

We are grateful that the American Jewish community as well as other faith communities have made a priority of raising the issue of genocide in Darfur. Instead of using the ancient technique of making the Jewish community the scapegoat for your failures, we hope that you will take a close look at your own actions. In direct violation of the
Darfur Peace Agreement and the will of the U.N. Security Council, your government has recently deployed approximately 26,000 troops and attack helicopters to the Darfur region. Your actions have directly resulted in an increase of attacks on civilians and humanitarian aid workers. Mr. President, we call on you to apologize for a distractive, protracted effort to achieve a final peace. Rather than fanning the flames of conflict, we hope you will act to save lives.

Treasury Department Reports Milestone

_hon. michael g. fitzpatrick_ of Pennsylvania

_in the house of representatives_

thursday, september 21, 2006

Mr. Fitzpatrick of Pennsylvania. Mr. Speaker, in an amazing demonstration of the strength of the American economy, the Treasury Department reported the largest single gross receipt of quarterly corporate taxes in our nation’s history last Friday. Without question, this milestone demonstrates the effectiveness of the pro-growth tax and fiscal policies advanced by this Congress. This news also proves that despite our obligations to protect our national security, fight the War on Terror abroad and cover the increasing costs of entitlement programs at home, the American economy will continue to grow and benefit the American people.

These historic tax receipts are not an isolated event. Last Friday’s announcement is the result of back-to-back quarters of economic growth throughout America. According to the Treasury Department, last year’s tax receipts were also a record high, having grown $275 billion, or 14.6 percent, from the previous year. Let me note that all jobs, increased corporate tax receipts are the result of greater corporate activity, which leads to job creation. Our economy has now added jobs for 36 straight months. The policies this Congress has set in motion have created the framework for an economy that has created more than 1.7 million jobs over the past 12 months and more than 5.7 million jobs since August 2003. I and my colleagues are dedicated to continuing this trend by promoting legislation to roll back red tape, lower taxes on America’s families and set the stage for a brighter future for all Americans.

15th Anniversary of Armenia’s Independence

_hon. frank pallone, jr._ of new jersey

_in the house of representatives_

thursday, september 21, 2006

Mr. Pallone. Mr. Speaker, today marks the 15th anniversary of Armenia’s independence. I would like to congratulate the Armenian Government, its people and the entire extended Armenian community on this momentous occasion. Over the last 15 years, the Armenian people have made tremendous progress toward a modern, open and free democracy that should serve as an inspiration to other nations.

Following the collapse of the U.S.S.R., Armenia was among the first of the former Soviet republics to embrace the path of democratic change in pursuit of freedom and self-determination. However, the road to independence was not easy. Centuries of foreign domination, genocide against its people in the early 20th century and seven decades of totalitarian dictatorship did not discourage the Armenian people.

Since its independence, Armenia has emerged as a viable, vibrant society playing an important role in stabilizing the South Caucasus region. Armenia continues to be a trusted partner of the United States in a strategically important area of the world, a regional leader in political and economic reform, and a nation committed to the principles of democracy and the rule of law.

Armenia has joined the global war on terror by engaging in a strategic relationship with the United States and other coalition members. Armenia’s armed forces also participated in NATO’s stabilization force in Kosovo, in addition to maintaining and developing a robust program of individual partnership with the North Atlantic Alliance through its Euro-Atlantic Partnership framework.

Armenia also has made tremendous progress in building up a free-market economy. It is one of only a handful of countries to have qualified for the Millennium Challenge Account, is a member of the World Trade Organization and has been granted Permanent Normal Trade Relations status by the United States.

Mr. Speaker, Armenia has overcome a brutal legacy of Ottoman persecution, Soviet oppression, Azerbaijani aggression against Nagorno Karabagh, and the ongoing dual blockades by Turkey and its allies in Baku in its path to independence. I urge my colleagues to join me in expressing congratulations to Armenia as well as extend my sincere support and encouragement to flourish as a strong democracy for years to come.

Dedicated to Peace in Sri Lanka

_hon. rush d. holt_ of New Jersey

_in the house of representatives_

thursday, september 21, 2006

Mr. Holt. Mr. Speaker, I rise today to express my growing concern about the situation in Sri Lanka. I have followed the state of affairs in Sri Lanka for a long time, and it is clear to me that the current level of violence threatens to return the country to open civil war.

The renewed violence and rising death toll in Sri Lanka is troubling to me and many residents of my congressional district. They in Sri Lanka. Parties to the conflict are not the only ones suffering. As you know, the Sri Lanka Monitoring Mission (SLMM) recently investigated the murder of 17 aid workers, and the United Nations High Commissioner for Human Rights made clear just this week that “there is an urgent need for the international community to monitor the unfolding human rights situation.”

Naming a special envoy for Sri Lanka would further emphasize our government’s commitment to creating a lasting peace. It is essential that the U.S. envoy be a high-level official with the ear of President Bush and you. The envoy should be clear and must include efforts to increase monitoring of human rights violations.

The citizens of Sri Lanka have endured civil war for too long. We must do everything we can to foster a lasting peace for the country. Again, I request that you appoint a special envoy for Sri Lanka to help bring peace to the country.

Sincerely,

Rush Holt, Member of Congress.

In Honor of Sgt. Germaine Debro

_hon. jeff forttenbury_ of Nebraska

_in the house of representatives_

thursday, september 21, 2006

Mr. Fortenbury. Mr. Speaker, it’s hard to be sad when I’m so proud. You are my hero.” These were the words Alvin Debro, Jr., used to bid his brother, Sgt. Germaine Debro, a final goodbye.

Sgt. Debro was killed near Balad, Iraq, on September 4 when his Humvee hit a roadside bomb.
A member of the Nebraska National Guard, he had served in both Bosnia and Kuwait. Because of these recent deployments, he was not required to go to Iraq. But as a single man with no children, he volunteered so other soldiers would not have to leave their families.

At a funeral service at Morning Star Baptist Church in North Omaha, Pastor Leroy Adams said to us “I look across this sanctuary and see America . . . One Nation, under God, in a Church, and Germaine brought us together. . . . It’s not how long you live—it’s how you live.

His friends recalled Germaine’s love for life, selflessness, and compassion for others. Germaine’s mother, Priscilla, said her son “died a proud soldier.” Our Nation will be forever grateful to Sgt. Germaine Debro.

IN HONOR OF BISHOP F. JOSEPH GOSMAN’S RETIREMENT AND WELCOMING BISHOP MICHAEL F. BURBIDGE TO THE RALEIGH DIOCESE OF THE ROMAN CATHOLIC CHURCH

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to offer thanks for the life and work of Bishop F. Joseph Gossman in the Raleigh Diocese of the Roman Catholic Church and to welcome his successor, Bishop Michael F. Burbidge, whose installation I attended at Meymandi Concert Hall in Raleigh last month. It was a grand event, dedicated to the glory of God. The community is indebted to Father Gerald Lewis, General Chair of the Planning Committee, and others who so carefully and lovingly prepared this service.

Bishop Gossman led the Roman Catholic diocese for 31 years in Raleigh, becoming the longest-serving diocesan bishop in the United States. The diocese grew from about 38,000 members in 1975 to 200,000 in 2005, with 62 new churches dedicated during that time. Priests who worked with Bishop Gossman describe him as collaborative and collegial, gentle and gentle. But he was a warrior on issues to which his faith spoke. He supported the right of factory and farm workers to organize, spoke out against the death penalty, and stood up for civil rights and social justice. In recent years, he addressed the divisive issue of immigration, advocating for laws that respect the human rights of immigrants and preserve the unity of their families, and paid special attention to the spiritual needs of North Carolina’s growing Latino population.

Bishop Gossman broke new ground in promoting and participating in ecumenical and interfaith dialogue. He moved women into more and more responsible leadership positions; eight of the parishes in the diocese are now headed by women. Noting that his leadership drew on the extensive flow of thinking from the Vatican Council of the 1960s, William Powell, historian of North Carolina Catholics, recently recalled what Bishop Gossman said when asked how he would like to be remembered: “As someone who loved people and . . . who let people breathe not just the air of the Church but the air of life. Joseph Gossman leaves a rich legacy, not only of burgeoning parishes and schools, but also of countless lives touched and enriched by his witness and his ministry. I join a grateful community in wishing him health, happiness, and many rewarding years to come.

Bishop Michael Burbidge comes to Raleigh from Philadelphia, PA with a rich history in the church despite his relative youth. He studied for the priesthood at St. Charles Borromeo Seminary and subsequently served as parish priest, school chaplain, seminary dean, and administrative secretary to the Archbishop of Philadelphia. More recently Bishop Burbidge has led in the formation of future priests as Rector of St. Charles Borromeo Seminary and has served as an auxiliary bishop of Philadelphia with oversight duties ranging from the Secretariat for Clergy to the Office for Communications.

Bishop Burbidge thus brings a wealth of experience to the Diocese of Raleigh, where he has invited the faithful “to join him in his prayer for grace always to ‘walk humbly with God,’ in loyalty and fidelity, trusting the past to His mercy, the present to His love, and the future to His providence.” He has made an auspicious beginning as the citizens of North Carolina welcome him warmly and wish for him grace and strength in the work he has undertaken.

CELEBRATING KPMG LLP’S 100TH ANNIVERSARY IN PHILADELPHIA

HON. CHAKA FATTAH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FATTAH. Mr. Speaker, I rise today to recognize the contributions made by KPMG, LLP to Philadelphia, our people, our businesses, and the health of American capital markets, and do so on the occasion of the firm’s 100th anniversary in our city.

In 1906, Marwick, Mitchell & Co. opened its doors on Chestnut Street. Marwick, Mitchell & Co. was then a small accounting firm with less than a handful of partners. In the last 100 years, Philadelphia has added greatly to its history as the birthplace of the American republic to its renown as one of the nation’s leading ports, centers of commerce, and home to many Fortune 500 companies. Marwick, Mitchell & Co. grew with Philadelphia and is known today as KPMG.

Throughout its history, KPMG has been an outstanding citizen of Philadelphia. Today, KPMG is one of the oldest and largest professional services firms in the city, employing more than 850 professionals headquartered, on Market Street and providing a variety of audit, tax, and advisory services to the public and private sectors.

KPMG’s partners and employees serve as officers, directors and volunteers for many of Philadelphia’s philanthropic and charitable organizations. Earlier this year, KPMG sponsored the “City Hall in Bloom” spring planting. As part of the event, more than 200 KPMG volunteers joined students from the Bach-Martin Elementary School in cleaning, clearing and preparing beds for more than 5,500 flower plants and trees in the largest volunteer clean-up ever mounted at City Hall. There are many other examples of KPMG’s volunteerism. Employees helped paint the interior of Bach-Martin school and created a new mural for the entrance. The firm also has assisted the “Help Philadelphia” women’s shelter with a number of events over the years. Last year, KPMG helped welcome refugees from Hurricane Katrina, assisting in their relocation. This year, a group of KPMG professionals traveled to the Gulf region to help rebuild homes with Habitat for Humanity.

Mr. Speaker, I am proud to pay tribute to KPMG and its people for 100 years of service to Philadelphia, for its contributions to the growth and health of the city’s commerce, and for its many efforts benefiting our community’s quality of life.

HONORING THE FILIPINO VETERANS

SPEECH OF
HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 622, recognizing and honoring the Filipino veterans who fought during World War II. Filipino soldiers fought and died alongside American troops at some of the war’s most horrific battles like Batangas, Corregidor. During the infamous Bataan Death March, over six thousand Filipino soldiers lost their lives.

The courage of these soldiers proved crucial to turning the tide of the pacific war against the Japanese forces occupying the Philippines, and in ultimately securing victory for the United States and the newly independent nation of the Philippines.

In appreciation of the courage and sacrifice of the Filipino veterans, President Harry S. Truman stated: “They fought with gallantry and courage under most difficult conditions. I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans.”

Yet for all their sacrifices, Congress in 1946 divested Filipino soldiers of their military benefits while soldiers of other allied countries retained their status and privileges as American veterans. In 2003, Congress finally acted to give Veterans Health benefits to the surviving Filipino veterans, and I am proud to have supported that effort, as well as current legislation to grant full veteran status to Filipino veterans.

Mr. Speaker, young Filipino men responded to the call of duty over sixty years ago and fought valiantly under the American flag. I am proud today to support H. Res. 622 and to extend my gratitude towards these veterans for their dedicated service and sacrifice.

CONGRATULATIONS TO MR. FRED KOTLER

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man who exhibited leadership and dedication in serving the working men and women of the Upper Peninsula and our Nation. On September 23, 2006, Mr. Fred Kotler...
will be inducted into the Upper Peninsula Labor Hall of Fame. The organized labor movement enjoys a rich history in Michigan’s Upper Peninsula. From the mining strikes in the Copper Country of 1913–1914 to the present day, working men and women across the Upper Peninsula have exhibited a heritage of proud trade unionism. Mr. Kotler exemplifies that rich tradition by having served as an educator, a labor organizer and as a business agent.

Mr. Kotler served as Director of the Labor Education Program at Northern Michigan University from 1986 to 1994. During his tenure there, he coordinated and worked closely with the Labor Advisory Planning Committee. He is credited with building the university’s Labor Education Program.

At Northern Michigan University, Mr. Kotler was responsible for developing and directing conferences, seminars and workshops that helped to educate the staff, officers, stewards and rank-and-file members of public and private sector local unions as well as the Michigan AFL–CIO and the Michigan Building and Construction Trades Council. Much of Mr. Kotler’s expertise focused on what he refers to as “training the trainer,” in other words educating key union leaders and personnel to build and maintain effective union education programs. His expertise focused on empowering unions to grow their own membership and more effectively bargain on behalf of their members.

Mr. Kotler’s participation and leadership in the labor movement predates his work in the Upper Peninsula. In 1977, Mr. Kotler worked with the Service Employees International Union on a citywide ballot initiative in San Francisco. In the early 1980s, Mr. Kotler helped to organize hospital workers in Sonoma, California. In 1983, he returned to San Francisco to serve as the Business Representative and Organizer for the local Service Employees Union Employee there.

This extensive work in the field of labor organizing made him uniquely qualified to develop and implement the curriculum of Northern Michigan University’s Labor Education Program. Many of my constituents benefited from his tutelage as well as from his work on the Marquette County Central Labor Council where he served as a delegate.

As a direct result of leaving Northern Michigan University in 1994, Mr. Kotler has continued his commitment to organized labor as a scholar and an organizer. Today he serves as the Director of the Cornell/New York State AFL-CIO Union Leadership Institute and as Associate Director of the Construction Industry Program. Since joining the faculty of Cornell, he has developed a number of innovative programs that have been used to strengthen unions not only in New York, but nationally and developed programs such as the Construction Organizing Membership Education Training (COMET) and the Multi-Trade Organizing Volunteer Education (MOVE) curriculums that streamlined labor organizing techniques in the construction industry.

While not a native of Michigan’s Upper Peninsula, Mr. Kotler’s contributions to the area have endeared him to many of my constituents. The people of Southern Blue Nile and Abyei. Despite Khartoum’s deliber-ately slow and selective implementation, in my view, the CPA is now at very serious risk of significant erosion.

Power and wealth in Sudan have historically been concentrated in “the center,” in fact in just a few tribes. All the peripheral populations—North, South, East and West—have, as a result, been marginalized, largely destitute, powerless and lacking development regardless of racial or ethnic background. The U.S. initiative beginning in 2001 made rather incredible progress in ending the civil war between the SPLM and the NIF government and opening up humanitarian access to war-affected people, raising the hopes and expectations of a better future for almost five years, but the peace process took four years is not surprising, given the egregious history to be overcome and the quality of the final text. Mr. Sady was in April an SPLM delegation went to Khartoum to begin implementation arrangements. On landing at Khartoum’s airport they were on-joyed by a large crowd of all backgrounds—Southerners, Arabs and others—hoisting the delegation onto their shoulders and dancing in the streets. They understood the implications of the CPA to be for all Sudanese. On July 8 when Dr. John de Mahbou, chairmen of the CPA institution that which could fairly be described “military.”

The CPA includes a provision that the Southern Sudanese who from the Sudanese state if a referendum in those areas, scheduled for 2011, so decides. The SPLM, the Sudan National Congress Party is controlled by an intellectually-capable, radically-committed, compassionate, non-violent and charismatic nucleus of individuals, long referred to as the National Islamic Front (NIF). In the seventeen years since they agreed to it, at an incipient peace process, they have consistently defied the international community and won. As individuals, the NIF has never paid a price for their crimes, but most of them are still in important positions.

The CPA was signed in January 2005. In April 2006, the CPA inclusion in the CPA negotiations and concerned about being left out of the benefits of the CPA, “rebels” from Darfur’s marginalized populations who were previously classified as distinct from “Arab” initiated hostilities against the NIF government. The NIF responded precisely as it had in the war against the SPLA. The utilization of civilian populations, denial of humanitarian assistance to war-affected civilians, utilization of surrogate Arab militias in coordination with formal government military forces and pretense of themselves being the aggrieved party, being the “sovereign” government. The violence exhibited a character such that, in a free election, it is likely that the SPLA would be elected as the government by all the people. A New Sudan was being born.

But Darfur was in flames. In February 2003, perhaps seeing the progress of CPA negotiations and concerned about being left out of the benefits of the CPA, “rebels” from Darfur’s marginalized populations who were previously classified as distinct from “Arab” initiated hostilities against the NIF government. The NIF responded precisely as it had in the war against the SPLA. The utilization of civilian populations, denial of humanitarian assistance to war-affected civilians, utilization of surrogate Arab militias in coordination with formal government military forces and pretense of themselves being the aggrieved party, being the “sovereign” government. The violence exhibited a character such that, in a free election, it is likely that the SPLA would be elected as the government by all the people. A New Sudan was being born.

The CPA includes a provision that the Sudanese government potentially may secede from the Sudanese state if a referendum in those areas, scheduled for 2011, so decides. The CPA includes a provision that the Sudanese government potentially may secede from the Sudanese state if a referendum in those areas, scheduled for 2011, so decides. The CPA includes a provision that the Sudanese government potentially may secede from the Sudanese state if a referendum in those areas, scheduled for 2011, so decides. The CPA includes a provision that the Sudanese government potentially may secede from the Sudanese state if a referendum in those areas, scheduled for 2011, so decides.
implications for Sudan itself, being on the U.S. list of state sponsors of terrorism and also being the political birthing place for Osama bin Laden, not to mention the NIF’s own brand of radical politics, the NIF needed to buy time. It also hadn’t, despite a twenty two year war, been able to defeat the SPLA. It was in their interests, at least “for now”, to sign a deal that was agreed to by the U.S. and one and a half years of protected existence. Who could know what opportunities for a course-correction might materialize within that timespan?

On July 30, 2005 Dr. John de Mabior, the embodiment of the possibility of a united New Sudan, died in a helicopter crash. The opportunity had arrived. That very day, I believe, the NIF recalculated its future course of action.

To seize the opportunity, the NIF needed to eliminate the Darfur opposition (civilian and military), destabilize the SPLM, corrupt or abet any potential for a viable referendum, re-establish possession of the oil fields of Abyei, and ensure the degradation of the SPLA. The NIF has seen progress on all of these in the last fourteen months.

We are currently witnessing the NIF’s attempt to achieve the elimination of its Darfur opposition. Khartoum is attempting to change the face of the war in Darfur before the international community gets serious, if that is possible. They believe they have “read” us, the international community, and that they are not the U.S. included. They believe there will be a continued slow response on our part to Darfur’s genocide and acceptable limits to whatever actions are ultimately taken. After all, that’s been pretty much the case throughout their tenure. Thus, the liquidation of the Darfur opposition is now in motion.

The NIF has now fully marginalized the SPLM within the “Government of National Unity” created by the CPA. The SPLM is largely powerless to affect significant national policy. The NIF has “bought” several SPLM officials and also inserted into the SPLM apparatus other key individuals whose loyalties lie with Khartoum. Several veteran SPLM leaders, brilliant, capable men who were critical in achieving the CPA, have been bought and the NIF sees it. If, through weak international responses to genocide, the NIF succeeds in eliminating its Darfur opposition, and that reality is combined with the reality that Dr. Garang, the only southern leader who had the stature to compete successfully with Khartoum, the stage is set for the NIF to entirely undermine the CPA. The SPLM is comprised and its current leadership is trying to so position it, but its recovery from the loss of Dr. Garang and from the destabilization efforts of the NIF will take time. And the clock is ticking.

Based on this analysis, I encourage the following urgent steps:

1. Deploy non-consentually the now-styled UN protection force. In fact, some of the UN force already in the South, in such places as Wau virtually next door to Darfur, will have to be deployable in this capacity. In the meantime, declare and enforce a no-fly zone for Sudan military aircraft throughout Darfur. U.S. resources exist in Djibouti that could be used for enforcement purposes.

2. Provide substantial assistance to the SPLM to empower its participation in governance at all levels, to be seriously competitive as a national political party and to effectively govern the South. The Government of South Sudan also needs assistance in anticorruption efforts, as setting up a functional and effective anti-corruption Government. Some of these issues were discussed by Salva Kuir, President of South Sudan, when he met with President Bush in July.

3. Focus now on the upcoming interim elections and ultimately the referendum. Time is flying by, given what needs to be accomplished. Monitor preparations in detail and equip the SPLA to be able to fully participate in preparations.

4. Take Abyei seriously. If war breaks out again in Abyei and the SPLM, it will in my estimation likely begin in Abyei. Expose President Bashir’s perfidy in delaying. Raise the issue at the UN Security Council and other appropriate forums.

5. Seriously assist the SPLA in its conversion from a rebel movement into a nationally competitive political party, a serious and one long-term goal of providing in-depth stories to the readership of the Greater Kansas City Area. The Kansas City Hispanic News has emerged as an important link between the local Latino community and the general public. Joe and Ramona Arce have demonstrated how a passion to obtain newsworthy information and a motivation to distribute valuable information can improve a community.

Mr. Speaker, I ask that you and our colleagues in the 109th Congress please join me in saluting the Arce Family and the Kansas City Hispanic News for their years of dedicated service to the Greater Kansas City Metropolitan Area. Joe and Ramona, thank you for all your hard work in providing a quality newspaper for our community and congratulations on your 10th Anniversary.
Senate

Chamber Action

Routine Proceedings, pages S9859–S10009

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 3916–3928, and S. Res. 578–581.

Measures Reported:

- S. 2781, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment in the nature of a substitute. (S. Rept. No. 109–345)
- H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury.
- 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.
- S. 394, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).
- S. 3867, to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush H. Limbaugh, Sr., Federal Courthouse”.

Measures Passed:

Day of Remembrance: Senate agreed to S. Res. 579, designating December 13, 2006, as a Day of Remembrance to honor the 25th anniversary of the imposition of martial law by the Communist government in Poland.

National Pollinator Week: Senate agreed to S. Res. 580, recognizing the importance of pollinators to ecosystem health and agriculture in the United States and the value of partnership efforts to increase awareness about pollinators and support for protecting and sustaining pollinators by designating June 24 through June 30, 2007, as “National Pollinator Week”.

National Epidermolysis Bullosa Awareness Week: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 180, supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families, and the resolution was then agreed to.

Congratulating Kansas State University Department of Agronomy: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. Res. 539, congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, and the resolution was then agreed to.

Supporting “Lights on Afterschool”: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Con. Res. 116, supporting “Lights On Afterschool!”, a national celebration of afterschool programs, and the resolution was then agreed to.

Veterans’ Compensation Cost-of-Living Adjustment Act: Senate passed S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, after agreeing to the following amendment proposed thereto:

- Frist (for Craig) Amendment No. 5034, to make a technical correction to title 38, United States Code.

Darfur Peace and Accountability Act: Committee on Foreign Relations was discharged from further consideration of H.R. 3127, to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and the bill was then passed, after agreeing to the following amendment proposed thereto:

- Frist (for Lugar) Amendment No. 5033, in the nature of a substitute.


North Carolina Farm Bureau Federation 70th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 574, recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and saluting the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina, and the resolution was then agreed to.  

Secure Fence Act: Senate began consideration of H.R. 6061, to establish operational control over the international land and maritime borders of the United States, after agreeing to the motion to proceed to its consideration, and taking action on the following amendments proposed thereto:  

Pending:  
Frist Amendment No. 5031, to establish the effective date.  
Frist Amendment No. 5032 (to Amendment No. 5031), to amend the effective date.  

Federal Prison Industries Competition in Contracting Act—Committee Referral: A unanimous-consent agreement was reached providing that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2965, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers’ dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and the bill be referred to the Committee on the Judiciary.  

Bill Introduction—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, it be in order for Senators to introduce bills on Friday, September 22, 2006 until 11 a.m.; provided further, that a bill to be introduced by Senator Frist, or his designee, be considered as read a first time, and that there be an objection to its second reading.  

Besosa Nomination—Agreement: A unanimous-consent agreement was reached providing that at 5:20 p.m. on Monday, September 25, 2006, Senate begin consideration of the nomination of Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico; that the time until 5:30 p.m. be equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees; provided further, that at 5:30 p.m. Senate vote on confirmation of the nomination.  

Message From the President: Senate received the following messages from the President of the United States:  

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was established in Executive Order 13224 on September 21, 2006; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM—56)  

Nominations Confirmed: Senate confirmed the following nominations:  
  
Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2010.  
Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General.  
Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2010.  
Roger L. Hunt, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.  
John E. Kidde, of California, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.  
Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring January 30, 2009.  
Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy.  
Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2012.  
Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor.  
Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2012.  
Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.  

7 Coast Guard nominations in the rank of admiral.
Routine lists in the Coast Guard, Public Health Service.  

Nominations Received: Senate received the following nominations:  

Steven R. Chealander, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2007.  

Craig Roberts Stapleton, of Connecticut, to serve concurrently and without additional compensation as Ambassador to Monaco.  

Ronald Spogli, of California, to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino.  

Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.  

2 Air Force nominations in the rank of general.  

4 Army nominations in the rank of general.  

1 Navy nomination in the rank of admiral.  

Routine lists in the Air Force, Coast Guard, Navy.  

Messages From the House:  

Measures Referred:  

Measures Placed on Calendar:  

Measures Read First Time:  

Executive Communications:  

Executive Reports of Committees:  

Additional Cosponsors:  

Statements on Introduced Bills/Resolutions:  

Additional Statements:  

Amendments Submitted:  

Authorities for Committees to Meet:  

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:50 p.m., until 9:30 a.m., on Friday, September 22, 2006. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S10008.)

Committee Meetings  

(Committees not listed did not meet)

CAPITOL VISITOR CENTER  

Committee on Appropriations: Subcommittee on Legislative Branch resumed hearings to examine progress of the Capitol Visitor Center construction, receiving testimony from Alan M. Hantman, Architect of the Capitol; Robert C. Hixon, Jr., Capitol Visitor Center Project Executive; and Bernard L. Ungar, and Terrell Dorn, both Directors, Physical Infrastructure Issues, Government Accountability Office.  

Hearings recessed subject to the call.  

EXPORT-IMPORT BANK REAUTHORIZATION  

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill to reauthorize the Export-Import Bank of the United States.  

NOMINATIONS  

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Chris Boskin, of California, and David H. Pryor, of Arkansas, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation, Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, who was introduced by Senator Specter, Collister Johnson, Jr., of Virginia, to be Administrator of the Saint Lawrence Seaway Development Corporation, Sharon Lynn Hays, of Virginia, to be an Associate Director of the Office of Science and Technology Policy, who was introduced by Representative Ehlers, and Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs, after the nominees testified and answered questions in their own behalf.  

NOMINATION  

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Department of the Interior, after the nominee, who was introduced by Senators Specter and Santorum, testified and answered questions in her own behalf.  

AUTHORIZING LEGISLATION  

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized, S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, S. 3522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years
2006 through 2012, S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska, S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and H.R. 3897, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project, after receiving testimony from Senators Lillard and Schumer; Representative Radanovich; William Rinne, Acting Commissioner, Bureau of Reclamation, Department of the Interior; J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission; Bill Long, Southeastern Colorado Water Conservancy District, Pueblo; Marc Thalacker, Three Sisters Irrigation District, Salem, Oregon, on behalf of the Oregon Water Resources Congress; and Thomas F. Donnelly, National Water Resources Association, Arlington, Virginia.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:
H.R. 1463, to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the “Justin W. Williams United States Attorney’s Building”; and
The nominations of Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator, and Alex A. Beehler, of Maryland, to be Inspector General, both of the Environmental Protection Agency, William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Brigadier General Bruce Arlan Berwick, United States Army, Colonel Gregg F. Martin, United States Army, Brigadier General Robert Crear, United States Army, and Rear Admiral Samuel P. De Bow, Jr., NOAA, each to be a Member of the Mississippi River Commission.

NOMINATIONS

Committee on Finance: Committee concluded hearings to examine the nominations of Robert K. Steel, of Connecticut, to be an Under Secretary of the Department of the Treasury, and John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador, after the nominees testified and answered questions in their own behalf.

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine the purpose and impact of the transition from coalition to NATO’s International Security and Assistance Force (ISAF) command in Afghanistan, including responding to Taliban tactics, coordinating with independently-led U.S. troops and Afghan Army, what role will U.S. forces and the Coalition play when ISAF takes over the final sector, and how NATO is addressing the challenges of accelerating reconstruction and contending with the growing drug trade, after receiving testimony from General James L. Jones, USMC, Supreme Allied Commander, Europe; and Barnett R. Rubin, New York University Center on International Cooperation, New York, New York.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:
S. 394, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and
The nominations of Norman Randy Smith, of Idaho, to be a United States Circuit Judge for the Ninth Circuit, Valerie L. Baker, of California, and Philip S. Gutierrez, of California, each to be a United States District Judge for the Central District of California, Francisco Augusto Besosa, to be United States District Judge for the District of Puerto Rico, Lawrence Joseph O’Neill, to be United States District Judge for the Eastern District of California, and Rodger A. Heaton, to be United States Attorney for the Central District of Illinois, Department of Justice.

Also, committee began consideration of the nomination of William Gerry Myers III, of Idaho, to be a United States Circuit Judge for the Ninth Circuit, but did not take final action thereon, and will meet again on Tuesday, September 26, 2006.

PRISONER REHABILITATION

Committee on the Judiciary: Committee concluded an oversight hearing to examine Federal assistance for prisoner rehabilitation and reentry into our states, focusing on the Serious and Violent Offender Reentry Initiative (SVORI), after receiving testimony from Regina B. Schofield, Assistant Attorney General, Office of Justice Programs, Department of Justice; Mason M. Bishop, Deputy Assistant Secretary of
Labor for the Employment and Training Administration; Robert J. Bogart, Director, Center for Faith-Based and Community Initiatives, Department of Housing and Urban Development; Cherie Nolan, Senior Policy Advisor to the Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Roger Werholtz, Kansas Department of Corrections, Topeka; and B. Diane Williams, Safer Foundation, Chicago, Illinois.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

SELECT COMMITTEE ON INTELLIGENCE

Selective Drug Use
Special Committee on Aging: Committee concluded a hearing to examine savings for seniors and Medicare relating to increasing generic drug use and the cost of prescription drugs for people with Medicare, the Medicare program, and taxpayers, after receiving testimony from Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; William Vaughan, Consumers Union, Washington, D.C.; Timothy Antonelli, Blue Cross Blue Shield of Michigan, Southfield; and William H. Shrank, Harvard Medical School, Boston, Massachusetts.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 29 public bills, H.R. 6130–6158; and 10 resolutions, H. Con. Res. 477–478; and H. Res. 1029–1036 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
- H.R. 5092, to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, with an amendment (H. Rept. 109–672) and
- H.R. 5418, to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, with an amendment (H. Rept. 109–673).

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today.

House Commission on Congressional Mailing Standards—Appointment: The Chair announced the Speaker’s appointment of the following Member of the House to the House Commission on Congressional Mailing Standards: Representative Ehlers, Chairman.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, September 20th:

Military Personnel Financial Services Protection Act: S. 418, to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products, by a 2/3 yea-and-nay vote of 418 yeas to 3 nays, Roll No. 463—clearing the measure for the President.

Border Tunnel Prevention Act of 2006: The House passed H.R. 4830, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one’s land) the construction or use of a tunnel or subterranean passageway between the United States and another country, by a yea-and-nay vote of 422 yeas with none voting “nay”, Roll No. 469.

Community Protection Act of 2006: The House passed H.R. 6094, to restore the Secretary of Homeland Security’s authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime, by a yea-and-nay vote of 328 yeas to 95 nays, Roll No. 465.

Point of Order sustained against:
Gutierrez motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment.

Agreed to table the Gutierrez motion to appeal the ruling of the Chair by a yea-and-nay vote of 225 yeas to 195 nays, Roll No. 464.
H. Res. 1018, the rule providing for consideration of the bills (H.R. 4830, H.R. 6094, and H.R. 6095) was agreed to by a recorded vote of 227 ayes to 195 noes, Roll No. 462, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 195 nays, Roll No. 461.

Department of Defense Appropriations Act, 2007—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and agreed to a conference.


Agreed to close to the public portions of the conference when classified national security information may be broached, by a yea-and-nay vote of 411 yeas to 12 nays, Roll No. 466.

Immigration Law Enforcement Act of 2006: The House passed H.R. 6095, to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, by a yeaa-and-nay vote of 277 yeas to 140 nays, Roll No. 468.

Point of Order sustained against:

Gutierrez motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments.

Rejected the Reyes motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a yea and nay vote of 196 yeas to 226 nays, Roll No. 467.

H. Res. 1018, the rule providing for consideration of the bills (H.R. 4830, H.R. 6094, and H.R. 6095) was agreed to by a recorded vote of 227 ayes to 195 noes, Roll No. 462, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 195 nays, Roll No. 461.

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure, which was debated on Wednesday, September 20th:

Appalachian Regional Development Act Amendments of 2006: S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965, by a 2/3 yeaa-and-nay vote of 215 yeas to 204 nays, Roll No. 470.


Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 27th.

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. on Monday, September 25th for Morning-Hour debate.

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to the terrorist attacks on the United States of September 11, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 109–135).

Quorum Calls—Votes: Nine yeaa-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6860–61, H6861, H6862, H6878, H6878–79, H6879, H6893–94, H6894, H6894–95, H6895–96. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:06 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported the following measures: H. Con. Res. 424, Expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber; H.R. 4559, amended, To provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade counties, Wisconsin; H.R. 5103, amended,
To provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property; and H.R. 5313, Open Space and Farmland Preservation Act.

**FEDERAL FARM POLICY**
Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to review Federal Farm Policy. Testimony was heard from public witnesses.

**COMBAT VEHICLE ACTIVE PROTECTION SYSTEMS**
Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Combat Vehicle Active Protection Systems. Testimony was heard from the following officials of the Department of Defense: Robert Buhrkuhl, Director, Joint Rapid Acquisition Cell; Lloyd A. Feldman, Assistant Director, Science and Technology, Office of Force Transformation; and MG Jeffrey A. Sorenson, USA, Deputy, Acquisition and Systems Management, Department of the Army.

**NO CHILD LEFT BEHIND/PARENTAL INVOLVEMENT**
Committee on Education and the Workforce: Held a hearing entitled “No Child Left Behind: How Can We Increase Parental Awareness of Supplemental Education Services?” Testimony was heard from Morgan Brown, Assistant Deputy Secretary, Office of Innovation and Improvement, Department of Education; Cornelia Ashby, Director, Education, Workforce, and Income Security Issues, GAO; Stephen Barr, Associate Superintendent, Center for School Improvement, Department of Education, State of Ohio; and public witnesses.

**COMBATING INTERNET CHILD PORNOGRAPHY**
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry’s Efforts to Combat This Problem.” Testimony was heard from Christopher J. Christie, U.S. Attorney, District of New Jersey, Department of Justice; James Plitt, Director, Cyber Crimes Center, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

**INTERNET DOMAIN GOVERNANCE**
Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection held a joint hearing entitled “ICANN Internet Governance: Is It Working?” Testimony was heard from John M.R. Kneuer, Acting Assistant Secretary, Communications and Information, Department of Commerce; and public witnesses.

**MISCELLANEOUS MEASURES**
Committee on Government Reform: Ordered reported the following measures: H.R. 4720, To designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the “Beverly J. Wilson Post Office Building;” H.R. 5108, To designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the “Lance Corporal Robert A. Martinez Post Office Building;” H.R. 5857, To designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the “Morris K. ‘Mo’ Udall Post Office Building;” H.R. 5883, Drake Well Sesquicentennial Commemoration Act; H.R. 5923, To designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the “Dr. Leonard Price Stavisky Post Office;” H.R. 6075, To designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the “Robert J. Thompson Post Office Building;” H. Con. Res. 471, Congratulating the Professional Golfers’ Association of America on its 90th anniversary and commending the members of The Professional Golfers’ Association of America and The PGA Foundation for the charitable contributions they provide to the United States; H. Con. Res. 475, Supporting the goals and ideals of Gynecologic Cancer Awareness Month; H. Res. 402, Supporting the goals and ideals of Infant Mortality Awareness Month; H. Res. 748, Recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War; H. Res. 973, amended, Recognizing Financial Planning Week, recognizing the significant impact of sound professional planning on achieving life’s goals, and honoring families and the financial planning profession for their adherence and dedication to the financial planning process; H. Res. 974, Supporting the goals and ideals of National Myositis Awareness Day; H. Res. 991, Congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games; H.R. 1472, To designate the facility of the United States Postal Service located at 167 East
124th Street in New York, New York, as the “Tito Puente Post Office Building;” H.R. 5685, To designate the facility of the United States Postal Service located at 19 Front Street in Patterson, New York, as the D. Mallory Stephens Post Office;” H.R. 5989, To designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the John J. Sinde Post Office Building;’ H.R. 5990, To designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the Wallace W. Sykes Post Office Building;” H.R. 6078, To designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the “Chuck Fortenberry Post Office Building;” H.R. 6102, amended, To designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the Captain Christopher Petty Post Office Building;” H. Res. 745, Supporting the goals and ideals of Pancreatic Cancer Awareness Month; H.R. 960, Federal Law Enforcement Pension Adjustment Equity Act of 2005; and H.R. 4069, District of Columbia Hatch Act Reform Act of 2006.

FEDERAL CLIMATE CHANGE TECHNOLOGY RESEARCH

Committee on Government Reform: Held a hearing entitled “Climate Change Technology Research: Do We Need a ‘Manhattan Project’ for the Environment?” Testimony was heard from Stephen D. Eule, Director, Climate Change Technology Program, Department of Energy; John B. Stephenson, Director, GAO; and public witnesses.

POLICE AS FIRST PREVENTERS

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled “Police as First Preventers: Local Strategies in the War on Terror.” Testimony was heard from John F. Timoney, Chief of Police, Miami, Florida; Brett Lovegrove, Superintendent, Anti-Terrorism Branch, City of London Police, United Kingdom; and MAJ Ahmet Sait Yayla, Counterterrorism and Operations Division, Police Department, Ankara, Republic of Turkey.

AMERICA AND ASIA IN A CHANGING WORLD

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Asia and the Pacific. Testimony was heard from Jonathan D. Pollack, Professor of Asian and Pacific Studies, Strategic Research Department, Center for Naval Warfare Studies, Naval War College, Department of Defense; and public witnesses.

JUDGE MANUEL L. REAL IMPEACHMENT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H. Res. 916, Impeaching Manuel L. Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors. Testimony was heard from Manuel L. Real, U.S. District Judge, Central District of California; and public witnesses.

EUROPEAN ASSISTANCE TO COLOMBIA—TO FIGHT AGAINST ILLICIT DRUGS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Western Hemisphere of the Committee on International Relations held a joint hearing on the Need for European Assistance to Colombia for the Fight against Illicit Drugs. Testimony was heard from Michael A. Braun, Chief of Operations, DEA, Department of Justice; and Sandro Cavali, Representative, Office on Drugs and Crime, United Nations.

MIGRATORY WATERFOWL CONSERVATION

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on H.R. 4315, to amend the Acts popularly known as the Duck Stamp Act and the Wetland Loan Act to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl. Testimony was heard from Representative Kennedy of Minnesota; David M. Verhey, Acting Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and public witnesses.

OVERSIGHT—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on the San Joaquin River Restoration Settlement Act. Testimony was heard from Jason Peltier, Principal Deputy Assistant Secretary, Water and Science, Department of the Interior; the following officials of the State of California: Lois Wolk, Chair, Committee on Water, Parks and Wildlife and Parks, Department of the Interior; and public witnesses.

NANOTECHNOLOGY’S ENVIRONMENT AND SAFETY IMPACTS

Committee on Science: Held a hearing on Research on Environmental and Safety Impacts of Nanotechnology: What Are the Federal Agencies Doing? Testimony was heard from Norris E.
Alderson, Chair, Nanotechnology Environmental and Health Implications Working Group, and Associate Commissioner, Science, FDA, Department of Health and Human Services; Arden L. Bement, Jr., Director, NSF; George Gray, Assistant Administrator, Research and Development and Science Advisor, EPA; Altaf H. Carim, Program Manager, Nanoscale Science and Electron Scattering Center, Office of Basic Energy Sciences, Department of Energy; and public witnesses.

OVERSIGHT—VETERANS FISCAL YEAR REVIEW

Committee on Veterans’ Affairs: Concluded oversight hearings to review the previous fiscal year and look ahead to the upcoming year. Testimony was heard from representatives of veterans organizations.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots.” The Committee was briefed by departmental witnesses.

DOD HUMINT WAY AHEAD

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on DOD HUMINT Way Ahead. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 22, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nomination of Clyde Bishop, of Delaware, to be Ambassador to the Republic of the Marshall Islands, 9:30 a.m., SD–419.

House

Committee on Government Reform, hearing entitled “CSI Washington: Does the District Need Its Own Crime Lab?” 10 a.m., 2154 Rayburn.
Next Meeting of the Senate
9:30 a.m., Friday, September 22

Senate Chamber
Program for Friday: Senate will meet for a brief session for the introduction of bills.

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Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, September 25

House Chamber
Program for Monday: To be announced.

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