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House of Representatives

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, DC.
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.

PRAYER

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

Lord God of our ancestors in faith, and animator of faith in the American people today, we come before You with humility and gratitude. As Christians and people of other faiths, we join our Jewish brothers and sisters as they approach Rosh Hashanah. Together we offer prayers of forgiveness, both as individuals and as a Nation.

If we cannot admit our mistakes before you, O Lord, and firmly desire to turn a new page, how can we become the people You require us to be, and where will people of virtue and true leadership be found in a world searching for stability and hope?

As the festival of Rosh Hashanah celebrates all the freshness of a new year and the abundance of a rich harvest, we ask You, Almighty Lord, to bless this Nation in its fullness and in all its institutions of lawful government.

Let our people taste the sweet honey of Your presence and serve You and one another with a refreshed perspective and renewed heart, now and forever. Amen.

THE JOURNAL

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

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

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

LONE STAR VOICE: JASON PITTS, SABINE PASS, TEXAS

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

Mr. POE. Madam Speaker, last year the tiny coastal community of Sabine Pass, Texas, was literally drowned by Hurricane Rita. A year later it is still in shambles. Now the people who live in Sabine Pass say that they survived Rita, but they may not survive the illegals hired to repair the area.

Jason Pitts writes about these fears. In the morning hundreds of vehicles loaded with illegals make their way into my town of Sabine Pass. The traffic problems caused by the illegals are terrible. These drivers have no regard for traffic laws. They pass on the top of bridges, and they speed like they are in a NASCAR race.

To add to the insult, free washers and dryers were brought in for Sabine Pass citizens who lost everything. Soon, illegals were dropping off their clothes and their wives so they could get clothes cleaned for free.

My family and neighbors lost everything they own. There is no way to purchase food or fuel in my hometown. Immigration officials will not send anyone to Sabine Pass to perform immigration checks, because they have been mandated not to do so. This is not acceptable.

Madam Speaker, Jason Pitts is right. Seal our borders, crack down on employers hiring illegals, or risk losing the quality of life of our own citizens.

And that's just the way it is.

SIGNS OF WAR PREPARATION

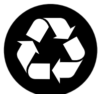
(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

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

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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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 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 we do not know how 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 200 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 of South Carolina. 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.

PROVIDING FOR CONSIDERATION OF H.R. 4830, BORDER TUNNEL PREVENTION ACT OF 2006; FOR CONSIDERATION OF H.R. 6094, COMMUNITY PROTECTION ACT OF 2006; AND FOR CONSIDERATION OF H.R. 6095, IMMIGRATION LAW ENFORCEMENT ACT OF 2006

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 between 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 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.

SEC. 2. 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. 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. 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.

SEC. 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 (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. 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.

□ 1015

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 a 57-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 substituted for border security.

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, not just border States. Securing our borders is not a Democratic versus Republican issue, and 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 were 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 best secure our borders 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 Chairman SENSENBRENNER and Chairman DREIER 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 not make it go away. 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. SODREL from Indiana and Mr. PRICE from Georgia. After meeting with Border Patrol and Immigration and Custom 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 uniform penalties 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, Dr. Norwood, in his CLEAR Act has just emphasized 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.

The Community Protection Act of 2006 includes language from the Dangerous Alien Detention Act, the Criminal Alien Removal Act, and the Alien Gang Removal Act.

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 for Mexico 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 Custom Enforcement agents apprehending and removing illegal aliens from our cities and local 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 SODREL, the gentleman from Indiana, Congressman PRICE from Georgia and myself, we watched agents catch an individual trying to bring close to 400 pounds of marijuana 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 less than 500 pounds. So he was playing it safe, gaming 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 these smugglers from overwhelming certain areas of the border; and as I said, they are attempting to use this loophole to game the system. 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, tougher penalties and a means to detect tunnels before their completion. Often organized crime on both sides of the United States-Mexican border will invest substantial resources into the construction of tunnels for drug smuggling and human trafficking. The tunnels, if we find them, they are filled with cement as soon as they are detected, but we don't know how many pounds of drugs or the number of illegal immigrants have made it through the tunnel before it was closed for business. Despite the aggressive nature of our Border Patrol, it is still difficult for them to detect tunnels and discourage their construction. H.R. 4830 takes the first step by increasing the penalties for that construction.

Madam Speaker, once again, I reiterate that border security is eminently doable. Our Immigration and Customs Enforcement and Border Patrol agents are making progress, but they still need help. They know that border security is possible, and they work long hours trying to achieve that goal.

Our Border Patrol has not given up on us, and it is important for Congress not to give up on them. The three 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 tight 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 not do what we are supposed to do? 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?

□ 1030

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 schedule. That gives us 1 week to consider these bills in both Chambers, pass and reconcile them before next Friday.

Now, it is not impossible, but the truth is there are competing comprehensive immigration and border security bills that have been passed by the House and Senate, as I have mentioned. The House passed its bill on December 16, 2005, and the Senate passed its version on May 25, 2006, but again, this House has refused to go to conference. It is puzzling because the Republicans, Madam Speaker, control the White House, the Republicans control the House of Representatives, and the Republicans control the Senate. One would think that since the Republicans control everything, they can get along with each other and actually move important legislation forward.

Madam Speaker, what we see on the issue of immigration reform and border security, quite frankly, is a failure of leadership. You have a dismal record on protecting our borders, a dismal record on dealing with illegal immigration. This is a failure of being able to legislate, to be able to do your job.

Instead, we are here again with another set of immigration and border security bills. Let us be honest with the American public. This is not a serious effort to legislate. No, Madam Speaker, this is about election politics. This is about the Republican leadership in the House trying to appeal to the cheap seats and gain some political points 1 week before we adjourn for the November election.

The gentleman from Georgia mentioned with great pride this legislative accomplishment that we passed last week, the border fence security bill which the Senate is now dealing with. It is important to point out to the American people that while it sounds nice, there is no money in it. There is no money to provide for the construction of such a fence. The chairman of the Homeland Security Committee before the Rules Committee last week could not even tell me how much it was going to cost, but we know it is going to be hundreds of millions of dollars, if not billions of dollars. So we pass a bill saying we want to do this, but no money. Guess what? Without the money, you cannot build it.

So what are we really doing here? Are we protecting the borders, or are we trying to put on a show for the American people before elections that somehow we are doing something meaningful when, in fact, we are not? We are wasting time.

The American people want comprehensive, compassionate immigration reform, and they want strict border security plans, not partisan legislation and not just a show to imply that somehow we are doing something when, in fact, we are not.

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 serious crisis in border security because Republican infighting has crippled anyone's 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 today? That would be something 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 nonpartisan 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 pieces of legislation?

Madam Speaker, the truth is that this Republican leadership has proven that they are incapable of running the House of Representatives. Their priorities just do not mesh with those of the American people. Bringing divisive bills to the floor to be used as political ammunition in the upcoming elections is not leadership, but time and time again it is how the Republican leadership in the House operates. Instead of doing what is right for the American people, they continue to do what they think is necessary to be reelected.

Madam Speaker, the American people are sick and tired of business as usual. It is time for a change in leadership in this House. It is time for a new direction.

One other thing, Madam Speaker, this is a closed rule. It is a closed rule, which means you cannot amend it. You have to take it as is. No amendments are in order, not one. If these issues are so important, why can Members not have the opportunity to deliberate and to legislate, to be able to offer amendments? Why can we not amend these bills? Why does this have to be brought up under a closed process?

This is one rule we are debating on which is a closed rule, but really it is three closed rules because there are three separate bills we are going to be taking up and all of them under a closed process; you cannot amend them.

Now, it is not surprising that it is being brought to the House in this manner because democracy is dead in the House of Representatives. This place is run poorly and cynically. It 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 improve our border security. 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 now exists. 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, against increasing detention beds, against more immigration 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 deal with border security issues and immigration reform. This is cynical what 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 consume to respond to a couple 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.

So 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 which makes their 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, if we solve this problem 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 down wages, if we can stop that 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 say 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, and, 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 horrible problem that we have got.

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 are around the country of a similar 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 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, this 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 provisions that stop them, he 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. The 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.

□ 1045

You know, we should have a conferees meeting and work out that compromise and do what you are supposed to do, your job. This is not a radical or controversial idea. Let's work it out; let's do it right.

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 this 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 than now exist. That, to me, would have been 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 much time as he may consume to the 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 a package that was first brought to my attention by my Democratic colleague from California who serves in the other body, DIANNE FEINSTEIN, and she raised concern about the issue of tunnels going between Canada and the United States and Mexico and the United States. And she and I spoke about this, and we said let's see if there would be a way in which we could put into place a commonsense reform.

She was shocked, my Democratic Senator, DIANNE FEINSTEIN, as I was shocked, when we found that it is not a crime to bore a tunnel from Mexico into the United States or to bore a tunnel from Canada into the United States. It is not a crime to use property in the United States for the tunnel to come out and for drugs, human trafficking, other contraband to come through.

So we sat down, we joined with our colleagues DUNCAN HUNTER from San Diego, I know that J.D. HAYWORTH is strongly in support of this effort; and one of the items that we have here is something that I think again is a commonsense reform. Anyone can come to the conclusion that the idea of boring a tunnel between our two countries is just plain wrong. And so I believe that we have done the right thing. We have recognized that border security is national security. And while there is no evidence whatsoever of a Mexican terrorist, the threat of someone utilizing one of those tunnels to pose a terrorist threat to the United States is still there, and I believe that we need to do everything that we can to make sure that we secure it.

Madam Speaker, since September 11 of 2001, 38 tunnels have been discovered between the United States and Mexico and Canada and Mexico. Frankly, 37 of them between Mexico and the United States, one from Canada into the United States. And just this past weekend a tunnel was discovered from Mexicali to Calexico, in my State of California.

We have a problem. It needs to be addressed, and it is being addressed in a bipartisan way: Democrats and Republicans in the House working together, Democrats and Republicans in the Senate working together to try and step up to the plate and deal with this issue.

It is a very clear measure that we have, and I am very proud again to have such strong support for it. We criminalize the utilization of property, and we criminalize those who would bore under the border and come into the United States. And what we also do is we double the penalties for the areas where there already is criminalization. If the drugs are brought by way of a tunnel, we double the penalty, because it is outrageous that this kind of thing is being used.

We have a wide range of things that we have done. I heard my friend talk about the fact that we haven't been able to do a lot of things. The Senate just yesterday had a vote on cloture on bringing up the issue of building these strategic fences. Now, I don't believe 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

going to bring it up. The Senate has brought it up, and they are going to pass it. And so what we have done is we have found areas of agreement.

It is true there are aspects of the immigration debate that have great disagreement. But when we can find areas of agreement like securing our border and we in the House of Representatives can provide leadership to do that, it is something that needs to be done. Why? Because the American people are expecting us to do this. It is our responsibility; it is the Federal Government's responsibility to secure our borders.

Madam Speaker, I am proud of all three pieces of legislation that we have here. I am proud of the other things that we have done to make sure that we do secure our borders. It is our job to do it, and I am very happy that we are stepping up to the plate and doing that.

I thank my friend for yielding.

Mr. McGOVERN. Madam Speaker, first let me say to my colleague, the chairman of the Rules Committee, that I am glad he can point to an instance where he has worked with a Democrat. My question remains, why can't Republicans work with Republicans? The comprehensive Senate immigration bill has a fence provision in it. And if the Senate and the House can go to conference and start working out these differences, he could get his fence and we could also get a lot of other issues solved as well.

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

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

Mr. DREIER. Madam Speaker, I would simply say to the gentleman that I very much want us to be able to complete and address a wide range of issues. The fact that we are able to come together now in a bipartisan way and address these areas of agreement is something I think that can be celebrated, because Republicans are working with Republicans, but Republicans are also working with Democrats who are like-minded to try and deal with some of these very important security issues. 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 so 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 has been able 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 to be able to address some of 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 somewhat cynical, because 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 of Texas. 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 as a member of the House Judiciary Committee 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 cloture 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, 3 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 of 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 imbalance.

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 indicates 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 amendments had passed, 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 250 more immigration agents; detention officers by 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.

□ 1100

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 civil 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 come 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 down to the 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 going on. Texans 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 and the drug smugglers, but these 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 how 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 conferees 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 condemned the hearings as a waste of time and taxpayer money, when Congress 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 skirt 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.

Consistently, the majority has sought great fanfare land 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 already in our Nation, the needs for improved 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 or third time. We would be in conference, 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 meaningful 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. GINGREY. 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. Madam Speaker, I rise in support of this rule.

We do have a philosophical disagreement over open borders. Some of us support fencing those 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 southern 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 these tunnels.

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. Wouldn't it be nice to allow them to voluntarily assist the 2,000 ICE agents in this country so when we have a situation in the future like we had on 9/11 where four of those hijackers had been stopped by local police for speeding prior to the attacks, they can call into that hotline and, if there is suspicious activity, can look into the immigration status of those people who are here in this country illegally.

Let me also say that the Community Protection Act is coming up under this rule, and criminal gangs today like MS–13 are no longer just the neighborhood kids who may be up to no good, the kinds of gangs we remember from our youth, because we have transnational criminal gangs active around the country that now resemble organized crime syndicates. They have highly organized leadership and organizational models, and networks that stretch across this Nation. They operate across the border. They will bring, in the words of one sheriff, anything or anybody across that border for a price.

I don't believe post-9/11 that we can have an open borders policy. I think we have to fence the borders. I think we need these commonsense bills to pass without that massive amnesty that our friends would like to attach to it. I urge passage of this measure.

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

I think we need to be careful with words. Nobody is advocating amnesty. I don't think President Bush is advocating an amnesty. I don't think Senators HAGEL or MARTINEZ or MCCAIN are advocating amnesty.

What people want is action. What people are frustrated with is the fact that this Republican Congress has done nothing. We passed the comprehensive immigration reform bill in the House. They passed one in the Senate. We want to go to conference to work out the differences and come up with an approach that will work.

Instead, what have you done? You have gone around the country holding hearings at taxpayers' expense, and the reviews have been dismal. The headlines from the leading newspapers from across the country are ''All Talk No Action on Immigration,'' and ''Immigration Hearings Misfire.'' ''Field Hearings a Waste of Time and Money.'' ''Immigration Hearing Staged to Run Out the Clock'' so we don't do anything meaningful. That is not what we want; we want real action.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time, and I urge a ''no'' vote on the previous question and on the rule.

Mr. Speaker, America needs comprehensive immigration reform. I think every American who is paying any attention agrees we need comprehensive immigration reform.

Everybody in this people's House, Democrats, Republicans, and even the

Independent, understands that we need comprehensive immigration reform, and every Member of the other body, every Republican, every Democrat, and their Independent, understands that America needs comprehensive immigration reform.

Now every Member of this body, Republican and Democrat and Independent, every Member understands that in order to get a reform bill passed and signed by the President, that one has to have a single piece of legislation that is agreed to by both of the bodies.

So everyone knows that for immigration reform of a comprehensive form to become law, that that must pass both bodies in exactly the same form and be signed by the President or passed over with the President's veto.

Now, the process of doing that is not understood by everybody in this country, but in general form much of the country understands that. And I am not sure whether the majority party here believes that people in this country are not knowledgeable, ignorant of those processes, so much that they think that this kind of a sham that we are going through can be carried out.

The majority party in the House of Representatives is the Republican Party. The majority party in the other body is also the Republican Party. This process that we are engaged in today is a sham. It is meant to mislead people that something is actually being done about immigration before we go home for the elections in November, before we recess for those elections, when, in fact, nothing really is being accomplished.

In our people's House on the 16th of December last year, the Border Protection Antiterrorism and Illegal Immigration Act passed by 239–182, a margin much larger than is the margin by which the majority party holds the majority. So it was a bipartisan bill in part.

In the other body on the 25th day of May of this year, 4 months ago, their Comprehensive Immigration Reform Act was passed by a vote of 62–36, again by a margin much larger than the margin by which their majority party, also the Republican Party, passed the bill. It is again a comprehensive and bipartisan bill.

So this process where we have legislation where two of the bills are in large part within the legislation that is being put forward today, and also is part of the bill that passed back in December by this body, by this people's body, and the other one has been passed in a different form by the other body, all one has to do is go to conference. It would be possible to go to conference and work out the differences between those two pieces of legislation so a single bill could go to the President and be signed and provide what everyone in America, everyone in this body and everyone in the other body would call comprehensive immigration reform.

That is the way that this ought to be done. The process that we are involved in today is a sham, and we should defeat the previous question and defeat the rule and go to comprehensive immigration reform by going to conference 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 gentleman from Arizona (Mr. HAYWORTH), a member of the Ways and Means Committee.

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 Republic.

And to my other friend from Massachusetts managing the rule for the other side, let me respectfully 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 somehow this is a masquerade. I appreciate 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's permission 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 Washington, 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, a closed process.

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

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the rule for H.R. 4830, the Border Tunnel Prevention Act. Our Nation's border security is essential to having effective homeland security. However, since September 11, 2001, foreigners 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 gentleman had this shirt on. This, ladies and gentlemen, is what America wants. They want the borders closed. They want to make sure that people are not entering into our country illegally, either 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 immigration system.

Listen up, America. Congress should not ignore these consistent breaches of our security.

□ 1115

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 absolutely 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 border 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 secure our borders, to shut down the alien smuggling business, and to catch and hold illegal immigrants entering our country.

Mr. Speaker, I ask unanimous consent to print the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the Republican majority in this House continues to approach border security and immigration control in its usual ineffective and piecemeal approach, putting 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 somehow tough on immigration, but instead they just remind all of us that Republicans 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 Ds and Fs 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 be able to 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 Chairman SENSENBRENNER, Chairman DREIER, 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 will help our current agents detain 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 start 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, Antierrorism, 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 our 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 or 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—that it decides, 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 need 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. Or for $400 million every U.S. port of entry could have a radiation portal monitor, 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 problematical 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 Act, like corresponding parts of the larger 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 would threaten national security or have serious adverse consequences for American foreign policy. It includes provisions for periodic review of such detentions and affords these detained aliens an opportunity to seek reconsideration of their cases and to present evidence in support of their release. 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 immigration laws 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-enforce 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 routine duties. I find this acceptable because the bill says ''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, 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 interfere with the ability or any state or local government to decide whether and how it will undertake to respond to question 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 salami 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 changed labor market 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 those 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 Floor 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 repacking 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 du 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 duped into thinking 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 or 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 be first line immigration officers. If the 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 U.S. 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, 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 votes on the 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 protecting our community; it is about election-year scare tactics and fearmongering.

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-U.S. 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 Executive Branch unprecedented powers 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 power to deport any non-citizen who is 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 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 abused or 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 distracts 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 border security and comprehensive 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. Let's not pretend this is someone else's problem.

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 irresponsible to make local police forces handle immigration without giving them any additional resources or any training in immigration law. Our police are already overburdened. We cannot ask them to do our job, too.

I want to be clear—I believe that we should have tougher enforcement of 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 ''and (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 or demand for division of the question, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

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

''Sec. 4. The amendment to H.R. 6095 referred to in Section 3 is as follows:

Insert the following in section 201(a):

''(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 the record of failure of the Republican House, Senate and Administration, including:

(A) Seven times over the last four and a half years, Democrats have offered amendments to enhance immigration enforcement resources, which would have enhanced efforts to combat alien smuggling. If these Democratic amendments had been adopted, there would be 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican majority.

(B) 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 FY 2006 through FY 2010. Over 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 combat alien smuggling.

(C) From 1993–2000, the Clinton Administration added, on average, 642 new immigration agents per year. Despite the fact that 9/11 highlighted the heightened need for these resources, in its first five years, the Bush Administration added, on average, only 411 new immigration agents, to the detriment of efforts to combat alien smuggling.

(4) Alien smuggling continues to be a threat to the security of the United States because of continuing inaction by the Republican congress, including the failure to go to Conference to resolve differences between competing immigration reforms, was valuable resources and time on a series of field hearings during the Congressional recess that excluded the input of local citizens and leaders, and engaging in political showmanship by using the last few days of the Congress to consider new immigration legislation when it has failed to complete work on immigration bills that have already passed the House and Senate.''

Insert the following after section 201(c):

''(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007–2010, there are authorized such sums as may be necessary to increase by 2000 the number of Immigration agents, by 250 the number of detention officers, by 250 the number of U.S. Marshals, by 25,000 the number of detention beds, by 1000 the number of investigators of fraudulent schemes and documents which violate sections 274a, 274c, 274d of Title 2, Chapter 8 of the Immigration and Nationality Act.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make 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 1018 will be followed by 5-minute votes as ordered on adopting 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:

[Roll No. 461]

YEAS—225

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

Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

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

NOT VOTING—12

Brown (OH)
Capuano
Case
Cubin
Gohmert
Harris
Kirk
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

□ 1145

Messrs. OBEY, HOLDEN, GEORGE MILLER of California, DICKS and HOLT changed their vote from ''yea'' 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 detained. Had I been present, I would have voted "yea."

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

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

RECORDED VOTE

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

NOES—195

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

NOT VOTING—10

Brown (OH)
Capuano
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

□ 1154

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 418.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr.

DAVIS) that the House suspend the rules and pass the Senate bill, S. 418, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 3, not voting 11, as follows:

[Roll No. 463]

YEAS—418

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

NAYS—3

Flake
Kolbe
Paul

NOT VOTING—11

Bilirakis
Brown (OH)
Capuano
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Ryan (OH)
Strickland

□ 1208

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. 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) the 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

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 ''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 20 years.

''(b) Any person who recklessly permits the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to 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 twice the penalty that would have otherwise 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.''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''554,'' before ''1425,''.

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 1.

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

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the 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 Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam 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. 4830, currently under consideration.

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

There was no objection.

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

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.

For over a decade, drug cartels and ''coyotes'' have used border tunnels to smuggle elicit drugs and illegal immigrants into the United States. Border tunnels range from rudimentary gopher 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, Mexico, 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 plugs 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 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 body. In other words, the Republican leadership is forcing us to participate in their cheap political gambit to mislead the public. Simply put, the Republicans have morphed from a ''do-nothing'' Congress to a ''do-over'' Congress. Unfortunately, we continue to have a long way to go, and we will get nowhere with this piecemeal approach they are masterminding.

□ 1215

The Bush administration has had almost 6 years, and the Republican Congress 11 years, to secure the border.

Since 9/11, House Republicans rejected eight Democratic amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders that now exist.

On December 16, 2005, all 218 House Republicans voting that day opposed a Democratic motion to recommit to H.R. 4437 to improve border security and immigration enforcement by fulfilling the 9/11 Commission's border security recommendations.

Fifty days before election day, the House Republican leadership has scheduled votes on bills we have already voted on. As usual, Republicans are all talk, but cheap on action to securing the border. Last week they voted on a border fence bill, but refused to provide the money needed to build a 700-mile fence along the Texas-Mexico border.

If Republicans were serious, they would have moved forward with a House-Senate conference that protects United States borders, strengthens our Nation's security and addresses the Nation's immigration problems comprehensively. Instead, they spent the summer conducting 22 sham hearings across the Nation.

Republicans talk about the fence as if it is the sole solution. Meanwhile, on September 15, DEA agents discovered yet 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 bridges, ports and buildings.

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. SENSENBRENNER. Madam Speaker, I yield myself ½ minute.

Madam Speaker, we hear complaints all the time about the fact that Republicans are not acting. We are acting today. We acted in December. We acted 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 politely 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 this provision 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 his 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 United States 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. Will the gentleman suspend?

Mr. CONYERS. Yes, ma'am.

The SPEAKER pro tempore. The gentleman from Michigan has the time. Members may not interject remarks in debate unless they have been recognized or yielded to for such purposes, and a Member under recognition should be allowed to yield and reclaim time in an orderly fashion.

The gentleman may continue.

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 Madam Speaker 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 my question.

Mr. HAYWORTH. Madam Speaker, I would answer his question with an interrogative of my own. Is the gentleman aware of the extensive hearings held this summer by many different Members of the House outside Washington, D.C.——

Mr. CONYERS. Is the answer yes or no?

Mr. HAYWORTH. Equally as valid as any committee hearings held in Washington, D.C., no matter the jurisdiction?

Mr. CONYERS. Taking my time back, I assume that the gentleman knows that the Judiciary Committee did not hold hearings either.

And so we have this very urgent, important bill that has not had one hearing anywhere that I know of, and I think it explains something about the gentleman from Arizona's comment about what the American people want.

Because in today's newspaper, I am reading that only 25 percent in a poll voice approval of the Congress, an echo of 1994 findings. Links to special interests are cited. Standing of Bush also lags.

So I do not know if we are doing what the people really want that much. I think it is because we are not doing what the people want and are not moving an immigration bill which has passed this House, the counterpart has passed in the Senate, and we have not gone to conference yet. Somebody in the course of this discussion and debate ought to be able to explain why that is.

Madam Speaker, I reserve the balance of my time.

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

First of all, the gentleman from Michigan says that we have not had any hearings in the Judiciary Committee. Since I became the chairman, we have had 68 hearings on the need to strengthen border security and enforcement of immigration law, and I will include the list of all 68 hearings in the RECORD at this point.

109TH CONGRESS

Immigration, Border Security, and Claims 7–27–2006 Oversight—Oversight Hearing on ''Whether Attempted Implementation of the Senate Immigration Bill Will Result in an Administrative and National Security Nightmare.''

Immigration, Border Security, and Claims 7–18–2006 Oversight—Oversight Hearing on ''Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?''

Immigration, Border Security, and Claims 6–22–2006 Oversight—Oversight Hearing on ''Is the Labor Department Doing Enough to Protect U.S. Workers?''

Immigration, Border Security, and Claims 6–8–2006 Oversight—Oversight Hearing on ''The Need to Implement WHTI to Protect U.S. Homeland Security.''

Immigration, Border Security, and Claims 5–18–2006 Hearing—Legislative Hearing on H.R. 4997, the ''Phvsicians for Underserved Areas Act''.

Immigration, Border Security, and Claims 3–30–2006 Oversight—Oversight Hearing on ''Should Congress Raise the H–IB Cap?''

Immigration, Border Security, and Claims 3–2–2006 Oversight—Joint Oversight Hearing on ''Outgunned and Outmanned: Local Law Enforcement Confronts Violence Along the Southern Border.''

Immigration, Border Security, and Claims 11–17–2005 Oversight—Oversight Hearing on ''How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part II).''

Immigration, Border Security, and Claims 11–17–2005 Oversight—Joint Oversight Hearing on ''Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens.''

Immigration, Border Security, and Claims 11–10–2005 Oversight—Oversight Hearing on ''How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part I).''

Immigration, Border Security, and Claims 9–29–2005 Oversight—Oversight Hearing on ''Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty.''

Immigration, Border Security, and Claims 9–15–2005 Oversight—Oversight Hearing on: ''Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage.'' (Classified portion of hearing begins at 1 p.m.)

Immigration, Border Security, and Claims 9–15–2005 Oversight—CONTINUATION of UNCLASSIFIED PORTION of Oversight—Hearing on: ''Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage.''

Immigration, Border Security, and Claims 9–8–2005 Markup Subcommittee on Immigration, Border Security & Claims—Markup of H.R. 1219, the ''Security and Fairness Enhancement for America Act of 2005.''

Immigration, Border Security, and Claims 7–28–2005 Markup Subcommittee on Immigration, Border Security & Claims Markup of H.R. 1219, the ''Security and Fairness Enhancement for America Act of 2005.''

Immigration, Border Security, and Claims 6–30–2005 Oversight—Oversight Hearing on ''Immigration Removal Procedures Implemented in the Aftermath ofthe September 11th Attacks.''

Immigration, Border Security, and Claims 6–28–2005 Hearing Legislative Hearing on H.R. 2933, the ''Alien Gang Removal Act of 2005.''

Immigration, Border Security, and Claims 6–21–2005 Oversight—Oversight Hearing on the ''Lack of Worksite Enforcement & Employer Sanctions.''

Immigration, Border Security, and Claims 6–15–2005 Oversight—Oversight Hearing on the ''Diversity Visa Program.''

Immigration, Border Security, and Claims 5–12–2005 Hearing Legislative Hearing on H.R. 98, the ''Illegal Immigration Enforcement and Social Security Protection Act of 2005.''

Immigration, Border Security, and Claims 5–5–2005 Oversight—Oversight Hearing on the ''New 'Dual Missions' of the Immigration Enforcement Agencies.''

Immigration, Border Security, and Claims 5–4–2005 Oversight—Oversight Hearing on ''New Jobs in Recession and Recovery: Who are Getting Them and Who are Not?''

Immigration, Border Security, and Claims 4–21–2005 Oversight—Oversight Hearing on ''October 2005 Statutory Deadline for Visa Waiver Program Countries to Produce Security Passports: Why It Matters to Homeland Security.''

Immigration, Border Security, and Claims 4–13–2005 Oversight—Oversight Hearing on ''Immigration and the Alien Gang Epidemic: Problems and Solutions.''

Immigration, Border Security, and Claims 3–10–2005 Oversight—Oversight Hearing on ''Interior Immigration Enforcement Resources.''

Immigration, Border Security, and Claims 3–3–2005 Oversight—Oversight Hearing on the ''Immigration Enforcement Resources Authorized in the Intelligence Reform and Terrorism Prevention Act of 2004.''

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Immigration, Border Security, and Claims 6–23–2004 Oversight—Oversight Hearing on ''Families and Businesses in Limbo: The Detrimental Impact of the Immigration Backlog.''

Immigration, Border Security, and Claims 6–17–2004 Oversight—Oversight Hearing on ''Families & Businesses in Limbo: The Detrimental Impact of the Immigration Backlog.''

Immigration, Border Security, and Claims 6–3–2004 Markup—Subcommittee Markup on H.R. 4453, the ''Access to Rural Physicians Improvement Act of 2004.''

Immigration, Border Security, and Claims 5–18–2004 Oversight—Oversight Hearing on ''Pushing the Border Out on Alien Smuggling: New Tools and Intelligence Initiatives.''

Immigration, Border Security, and Claims 4–29–2004 Oversight—Oversight Hearing on the ''Diversity Visa Program, and its Susceptibility to Fraud and Abuse.''

Immigration, Border Security, and Claims 4–1–2004 Hearing—Legislative Hearing on H.R. 3191, To prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

Immigration, Border Security, and Claims 3–24–2004 Oversight—Oversight Hearing on ''How Would Millions of Guest Workers Impact Working Americans and Americans Seeking Employment?''

Immigration, Border Security, and Claims 3–18–2004 Oversight—Oversight Hearing on ''US VISIT: A Down Payment on Homeland Security.''

Immigration, Border Security, and Claims 3–11–2004 Oversight—Oversight Hearing on ''Funding for Immigration in the President's 2005 Budget.''

Immigration, Border Security, and Claims 3–4–2004 Oversight—Oversight Hearing on ''Alien Removal Under Operation Predator.''

Immigration, Border Security, and Claims 2–25–2004 Oversight—Oversight Hearing on ''Funding for Immigration in the President's 2005 Budget.''

Immigration, Border Security, and Claims 10–30–2003 Oversight—Oversight Hearing on the ''Prospects for American Workers: Immigration's Impact.''

Immigration, Border Security, and Claims 10–16–2003 Oversight—Oversight Hearing on ''Visa Overstays: A Growing Problem for Law Enforcement.''

Immigration, Border Security, and Claims 10–1–2003 Hearing—Legislative Hearing on H.R. 2671, the ''Clear Law Enforcement for Criminal Alien Removal Act of 2003'' (CLEAR Act).

Immigration, Border Security, and Claims 9–11–2003 Oversight—Oversight Hearing on ''Should There Be a Social Security Totalization Agreement with Mexico?''

Immigration, Border Security, and Claims 7–15–2003 Markup—Subcommittee Markup of H.R. 2152, To amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

Immigration, Border Security, and Claims 7–11–2003 Oversight—Oversight Hearing on ''Immigration Relief Under the Convention Against Torture for Serious Criminals and Human Rights Violators.''

Immigration, Border Security, and Claims 6–26–2003 Oversight—Oversight Hearing on ''The Federal Government's Response to the Issuance and Acceptance in the U.S. of Consular Identification Cards.''

Immigration, Border Security, and Claims 6–24–2003 Oversight—Oversight Hearing on ''The Deadly Consequences of Illegal Alien Smuggling.''

Immigration, Border Security, and Claims 6–19–2003 Oversight—Oversight Hearing on ''The Issuance, Acceptance, and Reliability of Consular Identification Cards.''

Immigration, Border Security, and Claims 5–13–2003 Oversight—Oversight Hearing on ''John Allen Muhammad, Document Fraud, and the Western Hemisphere Passport Exception.''

Immigration, Border Security, and Claims 5–8–2003 Oversight—Oversight Hearing on ''War on Terrorism: Immigration Enforcement Since September 11, 2001.''

Immigration, Border Security, and Claims 5–6–2003 Hearing—Legislative Hearing on H.R. 1714, H.R. 1275, H.R. 1799, H.R. 1814, and H.R. 1685, the ''House Military Naturalization Bills.''

Immigration, Border Security, and Claims 4–10–2003 Oversight—Oversight Hearing on ''Department of Homeland Security Transition: Bureau of Immigration and Customs Enforcement.''

Immigration, Border Security, and Claims 4–2–2003 Oversight, Oversight Hearing on ''Immigration Student Tracking: Implementation and Proposed Modifications.''

Immigration, Border Security, and Claims 2–27–2003 Oversight, Oversight Hearing on ''New York City's 'Sanctuary' Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration.''

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''Immigration and Naturalization Service and the Executive Office for Immigration Review'', 5–15–2001 Oversight Hearing

''Guestworker Visa Programs'', 6–19–2001

''United States Population and Immigration,'' 8–2–2001

''Using Information Technology to Secure America's Borders: INS Problems with Planning and Implementation,'' 10–11–2001

''Immigration and Naturalization Service Performance: An Examination of INS Management Problems,'' 10–17–2001

''A Review of Department of Justice Immigration Detention Policies,'' 12–19–2001

''The Operations of the Executive Office for Immigration Review,'' 2–6–2001

''Implications of Transnational Terrorism and the Argentine Economic Collapse for the Visa Waiver Program,'' 2–28–2001

''The INS' March 2002 Notification of the Approval of Pilot Training Status for Terrorist Hijackers Mohammed Atta and Marwan Al-Shehhi'', 3–19–2001

''Immigration and Naturalization Service and Office of Special Counsel for Immigration Related Unfair Employment Practices,'' 3–21–2001

The INS' Interior Enforcement Strategy, 6–19–2002

Risk to Homeland Security from Identity Fraud and Identity Theft (Held jointly with the Subcommittee on Crime, Terrorism, and Homeland Security), 6–25–2002

''Role of Immigration in the Proposed Department of Homeland Security pursuant to H.R. 5005, the Homeland Security Act of 2002.''

''The INS's Implementation of the Foreign Student Tracking Program,'' 9–18–2002

''Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves (Held jointly with the Subcommittee on Social Security of the Committee on Ways and Means),'' 9–19–2002

''The INS's Interactions with Hesham Mohamed Mohamed Ali Hedayet,'' 10–9–2002

''United States and Canada Safe Third Country Agreement,'' 10–16–2002

Secondly, again, this Congress is running out of time. It is not the fault of anybody in the House of Representatives why a conference has not been created. We cannot set up a conference without the other body sending papers to us. They have not sent us the papers on the bill that they passed in May. Once the papers are here, then somebody can make a motion to send the bill to conference, but until the papers are here, there is nothing to send to conference.

On the other hand, when we passed our immigration bill last December, the papers had been sitting over in the other body. They can set up the conference merely by taking up the House-passed bill, striking out all after the enacting clause, inserting the Senate text and asking for a conference. They have not done it.

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 subcommittee 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 bipartisan way 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 reason it 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, and 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 the tunnels 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. This should be 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—to a lesser extent—between those ports. Such 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 down the DTOs both in this country and abroad, 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 confidential sources in this country and abroad who 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. Tunnels discovered by DEA have been equipped with reinforced ceilings, water evacuation and ventilation systems, and even concrete floors. However, the smuggling of drugs through these tunnels can result in a significant return on this investment. As such, the discovery and removal from service of these tunnels significantly disrupts the operations of these organizations which count on these conduits for entry into the U.S. Most importantly, closing down these underground corridors hits the DTOs where it hurts—their bank accounts.

Recent successes have been encouraging.

The most ambitious of these was discovered on January 26 of this year, a tunnel which opened into a vacant warehouse just east of the Otay Mesa port of entry in California. A tip from a confidential informant to the Tunnel Task Force—staffed by DEA and Immigration and Customs Enforcement (ICE)—led to the discovery of this tunnel, which started 150 yards south of the border and proceeded an incredible one-half mile into the United States. A DEA investigation determined that the tunnel—which was equipped with electric lighting and ventilation—had probably been operating since November and had been used day and night since its completion to smuggle marijuana and other illegal drugs into the country. Any trucks leaving the warehouse loaded with drugs would have quickly disappeared into the steady and heavy traffic of legitimate goods flowing through that immediate area.

Thanks to the hard work of DEA and other agencies, at least 51 of these tunnels have been discovered and shut down already. Almost all of these are in the San Diego and Tucson sectors of the border. Of note, Federal, state, and local organizations have banded together and fused resources in the establishment of a Tunnel Task Force, which is responsible for bringing to justice those responsible for this threat to our national security. Officers from DEA, ICE, CBP, the San Diego Police Department, Chula Vista Police Department, and the National City Police Department all participate in this endeavor.

But the discovery of a tunnel under the U.S.-Canada border into Washington State shows that our northern border can also be threatened by this new smuggling tactic. DEA agents working with their counterparts in the Royal Canadian Mounted Police discovered the 360-foot long tunnel after setting up secret surveillance on the American side in early July. Three Canadian citizens were recorded moving large bags through the tunnel which later were found to contain heavy loads of marijuana and ecstasy. These individuals were later arrested, pled guilty to various offenses and were sentenced to nine years in Federal prison.

Finally, we can hardly forget that the terrorists who attacked us on September 11, 2001 did so under false pretenses. We have increased our security considerably since then, and this undoubtedly makes the possibility of entering this country through one of these tunnels a more attractive proposition for potential terrorists. While the DTOs are not likely to use their tunnels for smuggling average illegal immigrants, they might allow them to be used by special-interest aliens for the right price. Therefore, we can be thankful for all the efforts of DEA and other agencies to detect and shut down these tunnels before they lead to catastrophic harm to our people.

Mr. Speaker, the problems of cross-border tunnels is urgent and growing, and we would be shirking our duty to the people if we dither any more. We don't need to study and ponder the challenge any longer. We need to pass this bill now and give Federal agencies like DEA stronger leverage in going after those people who seek to use this insidious method to smuggle dangerous narcotics and—potentially—dangerous people into our country.

□ 1230

Mr. CONYERS. Madam Speaker, I now yield with pleasure to the ranking member of the Judiciary Subcommittee on Immigration, Ms. SHEILA JACKSON-LEE, as much time as she may consume.

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

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

Might I take some of my time to correct the record. A good friend of mine who was 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 about. Then, if we want to 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 will 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 smugglers and 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 delayed the work of 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. Well, my 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. That is like 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 something that could have been 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 not 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 that when you 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 what we call 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 might add. The rule is closed 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 the distinguished ranking member, 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 looking for the Americans, 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 immigration, you are outside the room or you were in the audience. You were not witnesses. I mean, I went to many and there were protesters 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. They were not allowed to testify. And in Houston, the chairman there played a 1992 tape about violence at the border. Couldn't 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 funding of drug 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 underfunding them.

So 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 comprehensive immigration reform, 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, are you serious, or you 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 20 years of 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 of 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 focussed 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 criminal, 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. 4830, 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 seaports 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 draining, 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 to a house in Mexicali, 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", and it takes little to imagine terrorists making use of these holes in our border security.

Since 9/11, U.S. border officials have discovered 40 tunnels along American borders. They range in complexity from short "gopher holes" to massive drug-cartel built passages like the one found near San Diego in January.

We know that terrorists have and will continue to try to enter our country via our borders. The 2000 LAX millennium bomb attack plot was foiled when a terrorist was arrested at the U.S.-Canadian border after crossing by ferry. Customs officials found nitroglycerin and four timing devices concealed in a spare tire well of his automobile.

I am proud to be an original cosponsor to the legislation that we are considering today which would impose a punishment of up to 20 years in prison for individuals who are convicted of constructing or financing a subterranean tunnel under the U.S. border. It would, furthermore, impose a punishment of up to 10 years in prison for anyone who permits others to construct or use an unauthorized tunnel on their land. The bill also doubles penalties for those who use a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists or other illegal goods, and permits the seizure of assets of anyone involved in the offense, or any property that is traceable to the offense.

While those attempting to enter our country were being closely scrutinized and airline passengers were taking their shoes off or turning over their nail clippers, 40 border tunnels were being constructed in the United States, and thousands of pounds of illegal drugs and illegal aliens were pouring into our country.

Those patrolling our borders believe there is a direct correlation between the increased fortification of the border and the increase in the number of tunnels being found. If this problem is not addressed, it will just be a matter of time before these tunnels serve as an entry point for weapons and explosives, dangerous materials, and terrorists.

As a former federal prosecutor, I can appreciate how this legislation will serve as a useful tool in going after those who finance or construct these tunnels.

If the tunnel discovered earlier this week in Calexico, California, had been abandoned with no evidence remaining of drug or alien smuggling, those responsible for its construction should not be free from punishment. And those who negligently permit a tunnel opening or passage on their property should not be able to escape harsh penalties.

I appreciate the opportunity to work with Senators FEINSTEIN and KYL and Representatives DREIER and HUNTER on this important legislation and I applaud Senator FEINSTEIN's leadership on this crucial issue.

We must address this crucial national security matter, and I ask my colleagues to join me in supporting this much-needed legislation to stiffen penalties and successfully prosecute those who construct or finance tunnels under the U.S. border.

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 producing harsh rhetoric and meaningless acts than passing comprehensive and realistic immigration reform.

The House and Senate have each passed their respective bills. It is past time to convene a conference committee to reconcile these bills. Both chambers must work together to reach an agreement that produces true immigration reform instead of wasting its time harassing immigrants and local businesses and passing meaningless provisions that have little chance of becoming law.

Mr. DREIER. 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 find 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, the bill creates a new Federal law to criminalize 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 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. 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 tunnel.

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 prosecution of alien smugglers, 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 securing 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. Over land, in the air, and underground, we must make a commitment to control and secure the border. I urge all my colleagues to support this important border security bill.

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4830, the Border Tunnel Prevention Act, H.R. 6094, the Community Protection Act, and H.R. 6095, the Immigration Law Enforcement 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 Congress 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. No bad idea from a backbench right-winger was too extreme. If these bills became law:

Immigrants could be indefinitely detained at the whim of the Department of Homeland Security. Hey, it hasn't worked at Guantanamo, but why not try it on U.S. soil?

The Attorney General could order immediate deportation of anyone deemed to be a member of a designated street gang, regardless of whether members had committed crimes. In other words, hanging around the wrong crowd, at 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 would have to be the "minimum necessary" and "least intrusive" to government agencies. So if the government wrongly jailed you for 20 years, you might get released, but don't expect any compensation for the loss of your livelihood.

They say that desperate times 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 previous question is ordered.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

COMMUNITY PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (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, 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 Representatives 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 DETENTION ACT OF 2006

SEC. 101. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference 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 custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. 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 removal of the alien, the date 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 detention during such extended period if the alien fails or refuses to make all reasonable efforts 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, including 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's removal subject to an order of removal.";

(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 discretion, may detain the alien 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 affirmative acts, that the Secretary of Homeland 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 enforcement of the immigration laws.";

(7) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien"; and

(8) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding such section, that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, but in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected 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 REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply 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 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 shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary'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 extension of the removal period as provided in paragraph (1)(C)).

"(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in clause (i)—

"(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(aa) will be removed in the reasonably foreseeable future; or

''(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 removal order, or to cooperate fully with the Secretary's efforts to establish the aliens' identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(II) until 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 highly contagious disease that poses a threat to public safety;

''(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 release of the alien would threaten the national security of the United States; or

''(dd) that 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; or

''(ee) that 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 the alien has been convicted of at least one aggravated felony (as defined in section 101(a)(43)); or

''(III) pending a determination under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in subsection (a)(1)(C)).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry, but has neither been lawfully admitted nor has been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (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:

''(e) LENGTH OF DETENTION.—

''(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.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(b) JUDICIAL REVIEW.—Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

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

''(f) LENGTH OF DETENTION.—

''(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 any such provision 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) 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 and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or 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) SECTION 102.—The amendments made by section 102 shall take effect upon 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 ''set forth in this subsection or'' and inserting ''set forth in this subsection, in lieu of removal proceedings under'';

(2) in paragraph (3), by striking ''paragraph (1) until 14 calendar days'' and inserting ''paragraph (1) or (3) until 7 calendar days'';

(3) by striking ''Attorney General'' each place it appears in paragraphs (3) and (4) and inserting ''Secretary of Homeland Security'';

(4) in paragraph (5)—

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

(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'';

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) 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 criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal

proceedings under section 240, with respect to an alien who—

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

''(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

''(C) is not eligible for a waiver of inadmissibility or relief from removal.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the 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 GANG 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.—

''(i) IN GENERAL.—Any alien is inadmissible if—

''(I) the alien has been removed under section 237(a)(2)(F); or

''(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

''(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

''(bb) is a member of a criminal street gang designated under section 219A.

''(ii) DEFINITIONS.—For purposes of this subparagraph:

''(I) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence, as defined in section 16 of title 18, United States Code) in 2 or more separate criminal episodes in relation to the group or association.

''(II) GANG CRIME.—The term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for one year or more, in any of the following categories:

''(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

''(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 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 transportation of stolen motor vehicles or stolen property).

''(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.''.

(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:

''(F) CRIMINAL STREET GANG PARTICIPATION.—

''(i) IN GENERAL.—Any alien is deportable who—

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

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

''(ii) DEFINITIONS.—For purposes of this subparagraph, the terms 'criminal street gang' and 'gang crime' have the meaning given such terms in section 212(a)(2)(J)(ii).''.

(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. (a) 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) NOTICE.—

''(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefor.

''(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney shall publish the designation in the Federal Register seven days after providing the notification under clause (i).

''(B) EFFECT OF DESIGNATION.—

''(i) A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

''(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

''(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

''(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

''(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), 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).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

''(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

''(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Attorney General finds that—

''(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

''(ii) the national security of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take 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)(B) 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.

''(b) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

''(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole; or

''(E) not in accord with the procedures required by law.

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

''(c) RELEVANT COMMITTEE DEFINED.—As used in this section, the term 'relevant committees' means the Committees on the Judiciary of the House of Representatives and of the Senate.''.

(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 219 the following:

''Sec. 219A. Designation of criminal street gangs.''.

SEC. 302. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting ''or 212(a)(2)(J)'' after ''212(a)(3)(B)''; and

(2) by inserting ''or 237(a)(2)(F)'' before ''237(a)(4)(B)''.

(b) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by subsection (a).

SEC. 303. INELIGIBILITY FROM PROTECTION FROM REMOVAL AND ASYLUM.

(a) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is'' after ''to an alien''.

(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;

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

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

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (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).''.

The SPEAKER pro tempore. Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6094 currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 6094, the Community Protection Act, which consists of 3 crucial provisions to ensure the safety of all Americans:

Title I includes the Dangerous Alien Detention Act which contains provisions similar to those passed by the House last December as a part of H.R. 4437.

In Zadvydas v. Davis (2001) and Clark v. Martinez (2005), the Supreme Court decided that under current law, immigrants under orders of removal can almost never be detained for more than 6 months if for some reason they cannot be removed from the country within that time. As a result, the Department of Homeland Security has had no choice but to release hundreds of criminal aliens back into our communities.

The Department of Justice has testified that the government is now required to release numerous rapists, child molesters, murderers, and other dangerous illegal aliens into our streets. ''Vicious criminal aliens are now being set free within the United States.'' One of the aliens released was subsequently arrested for shooting a New York state trooper in the head.

This bill will end this perilous practice by allowing the Department of Homeland Security to detain certain dangerous aliens beyond 6 months when they cannot successfully be removed. This would include immigrants whose release would have serious adverse foreign policy considerations or threaten the national security or community safety. Such aliens may be detained for periods of 6 months at a time and the period of detention can be renewed.

The title also provides for appropriate judicial review of detention decisions.

Title II, the Criminal Alien Removal Act, was also passed as a part of H.R. 4437. It would allow the Department of Homeland Security to use the same expedited procedures available for the removal of aggravated felons to remove other inadmissible criminal aliens who are not permanent residents and otherwise are ineligible for release. At the present time, these aliens must be placed in lengthy removal proceedings before an immigration judge, despite the fact that they are not eligible for any relief.

□ 1245

This title permits removal of criminal aliens as expeditiously as possible.

Title III of the bill contains the ''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, while criminal alien gangs are spreading throughout the country, they often terrorize immigrant communities and subvert the qualities of honesty and hard work 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 Salvadorans 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 gamesmanship that forecasts an election some 48 days from now.

By now many people in our country have lost their patience for 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 traveling road 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 many of them, saw through 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 the 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. If the Democrat motion 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 to assist our ICE agents, 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 concept that the answer to all of this is open borders and another blanket amnesty is simply wrong. It is a wrongheaded 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. ZOE LOFGREN of California. 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 Republican rule 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 these bills that are being brought to the floor that haven't had hearings, that don't scratch 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, what those witnesses told us.

For example, Sheriff Lee Baca of Los Angeles County, I think the largest sheriff's 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.

I think 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.

No one 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 police to report 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 on the floor, 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 a 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 barely funded it at half of what was authorized. In fiscal year 2006, Congress only appropriated $405 million even though $750 million was authorized.

The list of failures goes on and on, but the truth or the proof is in the pudding. And I think as voters take a look at a situation that is not a good one, the border is not orderly, at millions of illegal aliens who have come in under the watch of the Republican Congress and see here today the scrambling 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 certainly 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.

□ 1300

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 between 60 and 85 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 common sense 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 detain 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. I would note, however, that 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 could 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. 454 in November of 2001, Democrats suggested that we add $223 million for border security to help meet the promises of the PATRIOT Act on border staffing and what the 9/11 Commission recommended. What happened? On a party-line vote, that additional resources 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 inspectors 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. 4939, the supplemental approps that would have added $600 million for border security measures 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.

Now, in the face of all of this negativism, 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 rollcalls, and all of those rollcalls, 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 gang member who serves time in an American prison and then is deported and attempts to come back.

We don't think that a gang member should have to be convicted first to keep him out of our country. That is a big difference between the Democrats and the Republicans.

Now, we have heard an awful lot of rhetoric on this floor about the fact that we have to have a comprehensive immigration bill. We passed a comprehensive immigration bill in 1986, and the failure of that bill has caused the problems that this country faces today with 11 to 12 million illegal immigrants in this country and the number growing by over half a million ever year.

The 1986 bill was triggered by a commission that was appointed by President Carter which was headed by the then-President of Notre Dame University, Father Theodore Hesburgh. Let me quote a little bit from the commission report, and, remember, this was the Hesburgh Commission.

Five years before the 1986 bill was passed, the Hesburgh Commission said: ''We do not believe that the United States should begin the process of legalization until new enforcement measures have been instituted to make it clear that the United States is determined to curtail new flows of undocumented/illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The select commission is opposed to any program that would precipitate such movement.''

That was true 25 years ago when Father Hesburgh and his commission penned those words. It is true today, particularly in the light of the failure of the 1986 Simpson-Mazzoli bill.

The legislation we have before us now attempts to fulfill the admonition that Father Hesburgh and his commission gave to the country in 1981. That is why it should pass.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6064, the Community Protection Act of 2006. The Nation has been calling for comprehensive immigration reform. By focusing only on enforcement, the majority would have us ignore our Nation's economic dependence on immigrant labor and does nothing to address the millions of undocumented individuals already living and working in the country today.

H.R. 6064 will have the effect of restricting the rights of immigrants to due process protections, like judicial review and immigration hearings, and could have serious, possibly life-endangering consequences for immigrants and asylum-seekers. Permitting the indefinite detention of an individual, even a non-citizen, is a practice one would associate with oppressive regimes. Applying that decision retroactively is a direct violation of due process; due process is essential when you consider the number of documented failures in custody review procedures and administrative delays.

The measure grants Department of Homeland Security officials, rather than immigration officials or other courts, the authority to determine whether expedited removal of individuals is admissible. The language does not specify that an individual be convicted of any crime; it instead allows low-level officers to play judge 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. LEE. Mr. Speaker, I rise today in strong opposition to all three of these bills.

We should be passing real immigration reform today not these mean-spirited, divisive bills.

Real immigration reform should include a clear path to citizenship not targeting people who don't fit the Republican majority's conception of what a citizen should look like. Under the provisions of H.R. 6094, they want to be able to single out two or three minorities walking down the street, call them a gang, and have an easy route to deport them by classifying them as a ''criminal street gang.'' Not only is that an infringement on the constitutional guarantee to right of a assembly, it's indicative of the xenophobic sentiment shrouding the Republican's version of immigration reform.

Real immigration reform should take meaningful steps at securing our borders like investing in infrastructure at our ports and airports. We shouldn't be deputizing local law enforcement as border police.

Real immigration reform should recognize the intrinsic value that diversity through immigration has brought to our Nation and not seek to divide us as these three bills do. Unfortunately, this debate is no longer about border security, jobs, or the economy—it has become about spewing hateful, rhetoric. These bills will contribute to the incitement of attacks against the immigrant community, such as the recent arson on a Mexican restaurant in California, or the attack on the young Latino student in Texas earlier this year.

Mr. Speaker, these bills are nothing but a cynical attempt 7 weeks before an election to score political points. That's not only irresponsible it's reprehensible.

I urge my colleagues to reject these hateful bills.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Community Protection 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 the 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, a conviction would not be 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 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 detention provisions.

This approach might 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 is ordered deported, but can't be 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. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). 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 read 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. Over 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 on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back 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 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; 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, 1324c, 1324d).

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. SENSENBRENNER. Mr. Speaker, reserving the right to object, has the minority provided our side of the aisle with a copy of this motion?

Mr. GUTIERREZ. Yes.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, we do not have it. I object. I ask that the motion be read.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read the motion to recommit.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I withdraw my objection to waive the reading.

The SPEAKER pro tempore. Without objection, the reading is suspended.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, here we go again. More piecemeal proposals. More tired, old, narrow, short-sighted policies of the past.

I think we should let the people around the country who are watching and listening to this debate know that 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.

□ 1315

But it is not, Mr. Speaker. It is unforgivable. It is unforgivable that instead of rolling up our sleeves and getting a real immigration bill to the President's desk, we are revisiting issues that this body has already addressed.

Why? Why are we doing this again if similar language has already passed? Could it be that there are less than 7 weeks to the next election? We have so much work to get done. Why are we going back and repassing provisions and addressing issues that have already passed this body?

A poll out today by CBS and the New York Times showed that only 25 percent, 25 percent of the American people approve of the job Congress is doing. And two-thirds said they believe Congress accomplished less than it typically does in a 2-year session.

Maybe that is because the majority is bringing up the same bills over and over and over again. Mr. Speaker, I know that the men and women of this Chamber are good people, I know they are compassionate, and they are serious about addressing the needs of our Nation. So let's show the American people that we care about their families, that we care about husbands, American citizen husbands and wives being separated by our bad immigration policy.

We care about defenseless children who are being punished for decisions that they have no control over. We care about workers who are being exploited, about the father who is fighting to remain with his wife and daughter in America.

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 its own immigration bill. Some on the other side do not like that version. That is the way democracy works.

But let's get into conference in regular order and reconcile the differences between the two bills. Let's allow the legislative process to work. Let's make this not about politics, but about enacting good policy.

My motion to recommit will also ensure that we enact the recommendations laid out by the 9/11 Commission and increase the number of detention beds and immigration agents. Mr. Speaker, the American people want action, they do not want more talk. They do not want more excuses, they certainly do not want more debate. They want solutions, and that is why they sent us here.

At the end of the day, if these bills pass, what have those who support them really done to address the issue of our broken immigration system? They have done nothing. Because, as former Secretary of Homeland Security Tom Ridge wrote just last week, he said, ''Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status.''

Homeland Security Secretary Tom Ridge said, ''It is impossible.'' Mr. Speaker, impossible. For the sake of our national security, for the sake of millions of families adversely affected by our immigration laws, for the sake of our economy, let's work together to make comprehensive immigration reform a reality. Let's name the conferees and allow them the time to work it out. Let's ensure that the important recommendations of the 9/11 Commission are fulfilled, because each day that goes by with silence and inaction on this issue means the potential for another dead body turning up in the desert, another child separated from her parents, another worker exploited, another dream denied. The current system is failing our Nation, Mr. Speaker. It hurts families, it hampers business, it harms the United States of America, it makes us less safe.

The status quo is simply unacceptable to the needs of our Nation and unworthy of our Nation's proud history of welcoming newcomers seeking a better life. So let's work together to create an immigration that works for families, works for businesses, and works to keep our Nation truly safe. The time to do so is now, and the time for excuses is over.

I urge you to vote ''yes'' on my motion to recommit, so that we can show the American people that this Congress is truly serious about protecting our borders, bolstering our national security, and fixing our broken immigration system.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman will state his point of order.

Mr. SENSENBRENNER. 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. SENSENBRENNER. 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, release would threaten 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 germaneness contained in clause 7 of rule XVI and thus 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 not germane.

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 number of different 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 motion simply suggests a 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.

Look, 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. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Illinois must confine his remarks to the point of order before the House

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 things, 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. SENSENBRENNER. 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. SENSENBRENNER

Mr. SENSENBRENNER. 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-

minute vote on the motion to lay the appeal on the table may be followed by a 5-minute vote on passage, if arising without further debate or proceedings in recommittal.

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

[Roll No. 464]

YEAS—225

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

NAYS—195

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

NOT VOTING—12

Case
Cubin
Harris
Hyde
Meehan
Meek (FL)
Moore (KS)
Ney
Strickland
Sullivan
Thomas
Whitfield

□ 1352

Mr. MEEKS of New York changed his vote from ''yea'' to ''nay.''

So the motion to table 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 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. 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 vote was taken by electronic device, and there were—yeas 328, nays 95, not voting 9, as follows:

[Roll No. 465]

YEAS—328

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas

Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—95

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Capps
Capuano
Carson
Cleaver
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Emanuel
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick (MI)
Kolbe
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pastor
Payne
Price (NC)
Rangel
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Solis
Stark
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Case
Cubin
Eshoo
Harris
Hyde
Meehan
Moore (KS)
Ney
Strickland

□ 1402

Mr. ISRAEL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. 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. 5631) making appropriations for the Department of Defense 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 Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KUHL of New York). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. LAHOOD, LEWIS of California, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

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

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

NAYS—12

Blumenauer
Hinchey
Kucinich
Lee
Lewis (GA)
Lynch
McDermott
McKinney
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—9

Capps
Case
Cubin
Harris
Meehan
Moore (KS)
Ney
Strickland
Wilson (SC)

□ 1423

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 smugglers, and 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 ASSISTANCE IN IMMIGRATION LAW ENFORCEMENT BY 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 of a sovereign entity 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, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(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, criminal 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 inhumane conditions for smuggled aliens. 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, and death.

(5) Notwithstanding that alien smuggling poses a risk to the United States as a whole, uniform guidelines for the prosecution of smuggling offenses are not employed 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.

(b) SENSE OF CONGRESS.—It is the sense of the 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 to be followed by each United States attorney in the United States.

(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 employed to prosecute cases under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as compared to the previous fiscal year.

TITLE III—ENDING CATCH AND RELEASE ACT OF 2006

SEC. 301. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(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 of law;

(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.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION 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; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying 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.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF 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.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made 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 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.

(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 longer 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.

(c) 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 court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) 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.

(e) 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) 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.

(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.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(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 the 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 such pending motion under section 301(b)(2). Any order, staying, suspending, delaying or otherwise barring 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 House Resolution 1018, 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 amendment to H.R. 4437 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 overburdened Department of 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, a lack of sufficient 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's office and authorizes 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 2008 to 2013, to affirm the urgency of prosecuting the alien smugglers who prey on the most vulnerable.

Title III provides for ending the Catch and Release Act. DHS is subject to Federal court injunctions entered as much as 30 years ago that impact its ability to enforce immigration laws. For instance, one injunction dating from the El Salvadoran civil war of the 1980s effectively prevents DHS from placing Salvadorans in expedited removal proceedings. DHS is using expedited removal to expeditiously remove other non-Mexican illegal immigrants who are apprehended along the southern border in order to end the policy of catch and release, but not Salvadorans.

Under the catch and release policy, non-Mexican illegal aliens picked up by the Border Patrol were simply released into our communities and told to show up months later for removal hearings. They almost never attended. Catch and release made a mockery of border enforcement and has terribly demoralized Border Patrol agents.

Mr. Speaker, this provides law enforcement agencies at all levels of government with the clear authority to help ensure the integrity and enforceability of our Nation's immigration laws.

I urge my colleagues to support the bill.

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

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

Today, my colleagues, we are going through an exercise to convince the American people that now is the time for comprehensive reform, a week before recess, with continued disagreement between the House, the Senate, and the administration, and with narrowly repackaged bills.

These bills, and this one before us introduced just 2 days ago, are substantively flawed and do not provide for comprehensive reform.

□ 1430

H.R. 6095 is touted as a law enforcement bill, but it is opposed by our State and local law enforcement officials.

Mr. Speaker, I include for the RECORD the comments of law enforcement associations and departments, police chiefs, sheriff associations, department heads across this country, and other law enforcement individuals to demonstrate how the policy is considered dangerous in this proposal.

This 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 the 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 wise to 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 law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve.'' (IACP press release, 12/1/2004)

International Association of Chiefs of Police, Legislative Counsel Gene Voegtlin—''A key concern is that state and local enforcement involvement in immigration can have a chilling effect on the relationship with the immigrant community in their jurisdiction.'' (''Cities and States Take on Difficult Duty of Handling Undocumented Workers,'' The Wall Street Journal, 2/2/2006)

Major Cities Chiefs Association—''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 terroristic acts.'' (Immigration Committee Recommendations for Enforcement of Immigration Laws By Local Police Agencies, adopted June 2006)

California State Sheriffs' Association, President Bruce Mix—''CSSA is concerned that the proposed CLEAR Act will undermine our primary mission of protecting the public. In order for local and state 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.'' (letter to Senator Feinstein, 3/10/2004)

California Police Chiefs Association, President Rick TerBorch—''It is the strong opinion of the California Police Chiefs'' Association that in order for local and state law enforcement organizations to be effective partners with their communities, 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.'' (letter to Senator Feinstein, 9/19/2003)

Connecticut Police Chiefs' Association, President James Strillacci—''We rely on people's cooperation as we enforce the law in those communities. With this [legislation], there's no protection for them.'' (''Mayor asks for federal help,'' Danbury News-Times, 3/26/2004)

El Paso (TX) Municipal Police Officers' Association, President Chris McGill—''From a law-enforcement point of view, I don't know how productive it would be to have police officers ask for green cards. It's more important that people feel confident calling the police.'' (''Immigration proposal puts burden on police,'' El Paso Times, 10/9/2003)

Virginia Association of Chiefs of Police, Executive Director Dana Schrad—''There's a real concern among [the immigrant community] that [a new Virginia law] means police are going to sweep through neighborhoods and pick up anyone with immigration violations and deport them; that isn't true. We are concerned we'll loose cooperation of law-abiding residents who have helped solve crimes.'' (''Some Immigrants Can Be Held For Up To Three Days,'' Daily News-Record, 6/30/2004)

Hispanic American Police Command Officers Association, National President Elvin Crespo—''The CLEAR Act jeopardizes public safety, it undermines local police roles in enhancing national security, it undermines federal law Enforcement priorities, it piles more onto state and local police officers' already full platters, it bullies and burdens state and local governments, it is unnecessary law-making and most significantly, it forgets the important fact that you can't tell by looking who is legal and who isn't.'' (letter to National Council of La Raza, 10/21/2003)

National Latino Peace Officers Association, Founder Vicente Calderon—''The role of police is to protect and serve. Clear Law Enforcement for Criminal Alien Removal [CLEAR Act] will greatly contribute toward hindering police from accomplishing these goals.'' (letter to National Council of La Raza, 10/16/2003)

Federal Hispanic Law Enforcement Officers Association, National President Sandalio Gonzalez—''The CLEAR Act bullies and burdens State and Local governments by coercing them into participating, even though it means burdensome new reporting and custody requirements, because failure to do so means further loss of already scarce federal dollars.'' (letter to President Bush and Congress, 9/30/2003)

Costa Mesa (CA) Police Department, Chief John Hensley—''We're not going to be doing sweeps. We're not going to be squeezing employers. We do not want to be the enemy of the immigrant community.'' (''City puts itself on immigration watch,'' USA Today, 1/26/2006)

West Palm Beach (FL) Police Department, Officer Freddy Naranjo—''The major thing is to come out and report these crimes, not hold back.'' (''Here Illegally, Guatemalans Are Prime Targets of Crime,'' New York Times, 8/27/2006)

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,'' Hill said. ''We want that information. We need that information. There will not be sanctions to victims who come forward as far as their status in this community other than the fact that they are victims.'' (''Police want Spanish speakers' help in serial killer search,'' Associated Press, 7/27/2006)

Phoenix (AZ) Police Department, Chief Jack Harris—''There are a lot of 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, so we want to step forward and go out to that community and seek their assistance.'' (''Police want Spanish speakers' help in serial killer search,'' Associated Press, 7/27/2006)

Fresno (CA) Police Department, Captain Pat Farmer—''Sometimes folks are here illegally, and they're the victim of a crime. We want them to call us. If someone is a witness, we want them to trust us. [A month earlier, after a shooting outside a convenience store] there were numerous witnesses, a lot of folks who were probably illegal. It was critical that they talk to our detectives.'' (''Shift Work: Should policing illegal immigration fall to nurses and teachers?'' Washington Monthly, April 2006)

Fairfax County (VA) Police Department, Spokesman Jon Fleischman—''Our job is to protect people. And I'm 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.'' (''Va. Police Back off Immigration Enforcement,'' Washington Post, 6/6/2005)

Gilroy (CA) Police Department, Assistant Chief Lanny Brown—''We're not going out and doing sweeps for illegal immigrants or anything like that, because we don't believe that's the right thing to do. But it sure makes sense to us if people are here—committing crimes, convicted of crimes, and are here illegally—to turn them over to ICE so they can be deported.'' (''Immigration Officials Ask for Police Assistance,'' The Gilroy Dispatch (CA), 9/12/2005)

Princeton (NJ) Police Department, Chief Anthony V. Federico—''Local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.'' (''State orders cops to help U.S. immigration agents,'' The Record, 9/20/2005)

El Paso (TX) Police Department, Chief Richard Wiles—''There is no way that we would be able to take any time away from an officer's busy day to enforce immigration laws.'' (''EP chief opposes bill to let police go after immigrants,'' El Paso Times, 10/6/2005)

San Diego (CA) Police Department, Chief William Lansdowne—''The only time we work with the Border Patrol is if there is a criminal nexus.'' (Police Chief William Lansdowne, ''Local Police, U.S. Agents Differ on Raids,'' Los Angeles Times, 6/6/2005)

Muscatine (IA) Police Department, Chief Gary Coderoni—''These proposals are unnecessary, and counterproductive to the public safety of our city residents. They will place an added burden in our department and instill fear and non-cooperation in the community.'' (letter to Congress, 6/2004)

Nashville (TN) Metropolitan Police Department, Chief Ronal Serpas—''With great respect and deference to our federal partners, we are not the INS (Immigration and Naturalization Service). As long as I am chief of the Nashville police department, I'm going to be steadfastly against police being INS agents. It's just not our job.'' (''Hispanics press police for more help,'' Tennessean, 2/24/2004)

Boston (MA) Police Department, Commissioner Paul Evans—''The Boston Police Department, as well as state and local police departments across the nation have worked diligently to gain the trust of immigrant residents and convince them that it is safe to contact and work with police. By turning all police officers into immigration agents, the CLEAR Act will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result.'' (letter to Senator Kennedy, 9/30/2003)

Arlington County (VA) Police Department, Spokesman Matt Martin—''[A] very likely outcome of local enforcement of immigration laws is] an entire segment of the population shutting down because they are afraid of you. And what you create is a group of people who's ripe for additional victimization.'' (''Some Laborers Arrested In Va. Face Deportation,'' Washington Post, 10/27/2004)

Dearborn (MI) Police Department, Chief Timothy Strutz—''In my opinion, the best way to fight criminals of all types, including terrorists, would be to have an excellent, trusting, working relationship with the community, with them being your eyes and ears. I think much of that important information would be stifled [if the CLEAR Act passed].'' (''Metro police balk at plan to hunt illegal immigrants,'' Detroit News, 5/11/2004)

Seattle (WA) Police Department, Chief R. Gil Kerlikowske—''Traditionally we have seen that reporting of crime is much lower in

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 tremendous impact on the rate of reporting. At a time when trusting relationships between immigrant communities and the police are vital, the CLEAR Act would have just the opposite effect.'' (letter, 3/4/2004)

Clearwater (FL) Police Department, Chief Sid Klein—''It doesn't take very long for that open door of communication to be slammed shut. Then we in 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 this 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 Miller—''Our Police Department has taken the lead in establishing a meaningful relationship with our minority communities, especially the Hispanic community. If the CLEAR Act becomes law, it will have a devastating effect on how we provide law enforcement/police service.'' (letter to Senators Brownback and Roberts, 11/19/2003)

Hillsborough (FL) Sheriff's Office, 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)

Montgomery County (MD) Police Department, Captain John Fitzgerald—''We absolutely do not enforce any immigration law. We encourage our residents to trust their police department regardless of their immigration status. We want them to know that if they are victims, we'll help them, and if they're witnesses, we need their help.'' (''Groups Fret Over Giving Police Immigration Control,'' Fox News Channel, 10/29/2003)

Tampa Police Department, Officer Brenda Canino-Fumero—''[If the CLEAR Act passes], (immigrants) are not going to come to police and report anything.'' (''Immigration duty a burden, police say,'' St. Petersburg Times, 7/19/2004)

Lowell (MA) Police Department, Police Superintendent Edward Davis III—''If the CLEAR Act were passed into law, residents would be less likely to approach local law enforcement for 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)

Dearborn (MI) 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.'' (''Metro police balk at plan to hunt illegal immigrants,'' Detroit News, 5/11/2004)

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—that can do real harm.'' (''Police could get more power,'' Detroit Free Press, 6/1/2004)

San Jose Police Department, Chief Rob Davis—''We have been 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 services, I just don't know if they'd 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 shoulders and thinking, These are 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, 11/11/2003)

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, who is dark-completed or speaks with an accent or dresses 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, 10/29/2003)

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)

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 should be asking them for papers?' No, 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 here don't. Well, that's not what the Constitution says; everybody in this country's got First Amendment rights.'' (''This is your ministry,'' Minnesota Spokesman-Recorder, 12/11/2003)

Los Angeles Police Commission, President David S. Cunningham III—''There are safety mechanisms in place for deporting people who are criminally inclined. In the end, the policy position on Special Order 40 is that we are a nation of immigrants and we don't want to dissuade them from having contact with police.'' (''Is L.A. soft on illegals?'' Los Angeles Daily News, 11/15/2003)

Lenexa (KS) Police Department, Chief Ellen T. Hanson—''We are, like many jurisdictions across the country, short on resources and manpower and struggling to meet our citizen's service demands. This mandate will magnify that problem and force us to make cuts in other areas to comply with the CLEAR Act. . . . The most troubling aspect of this act is that it would cause members of certain groups to not report crimes or come forward with information about crimes for fear of being deported.'' (letter to Representative Moore, 8/26/2003)

South Tucson (AZ) Police Department, Chief Sixto Molina—''We don't have the time and the personnel to be immigration agents. Murderers, rapists, robbers, thieves and drug dealers present a much bigger threat than any illegal immigrant.'' (Tucson Citizen editorial, ''Immigration role not for local police,'' 10/15/2003)

Des Moines (IA) Police Department, Chief William McCarthy—''When we don't acknowledge the reality of who is here, we create our own problems, and we are a better society than that, frankly. They (illegal immigrants) are family-oriented people and underpin our churches and society in many ways. Plus they are human beings. They are here. And we ought to deal with them as human beings.'' (''Cops shouldn't be INS agents,'' Des Moines Register editorial, 10/13/2003)

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

Mr. SENSENBRENNER. 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 deported. Republicans want to make sure that there isn't a victim by making them excludable and, if they are caught, kicking them out.

So let's talk about domestic violence. On Monday, 2 days ago, the strangled and battered body of an as yet unidentified woman was found in a subdivision about 20 miles south of Denver. An orange tow rope was found around her neck, and her face was unrecognizable. Preliminary autopsy results indicated that the woman died of asphyxiation and head injuries after being dragged along a road for more than a mile.

A suspect was arrested Tuesday night in that case. Jose Luis Rubi-Nava, age 36, is being held without bail on a first degree murder charge at the Douglas County, Colorado, jail. The New York Times reported this morning that Mr. Rubi-Nava is an illegal immigrant. News reports suggest that the victim was his girlfriend.

Records obtained by KUSA–TV, the Denver NBC affiliate, showed that Rubi-Nava was arrested on April 1 and charged with false identification and driving without a driver's license and proof of insurance, but was let go.

If local law enforcement had detained this illegal immigrant for ICE, he could have been removed from the United States. He was not, and now there is a woman that is dead. If this bill had been law and there had been a voluntary agreement between local law enforcement and the Federal Government, this horrible crime could have been avoided.

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

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

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Michigan colleague for yielding me this time.

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

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 Control 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 had 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 yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. 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, mayor, and city council member, 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 that are telling 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 across the border, somehow 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 get involved.

Let me throw this out. If we want to talk about the money issue, let's ask our colleagues on the other side of the aisle to join with us, and why don't we talk about doing fines and forfeiture allocations like we do with drug interdiction. Let's allow the local law enforcement to be able to keep a large percentage of the assets if they catch someone smuggling or is caught. Maybe that is something we can talk about, but not today find an excuse for not giving the authority to 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, reinforms the authority of the local governments to do something that he apparently believes 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 resources, we are 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 we 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. No one should be under the illusion that we are doing anything about the program catch and release by this bill because that program has ended.

What this bill in the larger context is, it is another one-House bill. Let me quote from the September 21 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 conned into thinking 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 lame duck, 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 not consider them that will make this crisis 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.

So you can have the meaningless gesture act that this bill represents. You can pass some of these other bills that are being brought up at the last minute to go into that vacuum on the other side; but one day I would like to understand how the majority explains the fact that they were not willing to make a motion to go to conference to reconcile the differences between the two bills, because in 1 week we will have done nothing to implement an employer verification system. We will have done nothing about 12 million people who are here under false identifiers, some portion of whom might be actual threats to our own national security. We will have done nothing to provide the meaningful, comprehensive approach, which is the only way to deal with the problem of illegal immigration in this country.

□ 1445

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

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 after the enacting 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 change 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.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, September 20, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR 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. Instead, these 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 those aliens apprehended 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 $2,755 per alien.

In addition, the injunction requires that unrepresented aliens subject to the court decision be detained in the same geographic area in which they are apprehended for seven days 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 sudden and large, the injunction could place enormous strain on available detention space, potentially forcing a return to the recently ended practice of ''catch and release'' until additional resources could 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 when immigration was governed by very different statutes. Yet, the decision continues to dictate the processing of Salvadorans almost 20 years later. On November 17, 2005, 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 in 1988. 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. These district court decisions have created onerous operating procedures that require the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement 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 routine visa 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 the 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.

Thank you again for your support of DHS's immigration enforcement efforts. I look forward to continuing to work with you on this and other measures to ensure that this issue is fully resolved.

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 before I address the specific provisions of this legislation, 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 many 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. Iranians 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 try to bring down our airlines.

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 has something to do with bass. 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, yes or no; but 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. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BERMAN).

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 the papers haven't been delivered, 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 on 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, 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 for you of deporting 12 million people.

A meaningful response is border security, because there are people there 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, urgent issue in a serious and coherent fashion. We haven't.

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

Mr. Speaker, the gentleman from California is right. 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: ''All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The ''comprehensive amnesty immigration bill'' that the Senate passed and didn't message contains $50 billion in new taxes. They ignore this sacred paper that has been the foundation of our government, and are we supposed to ignore that and thus subject anything they do to endless litigation because they deliberately violated the Constitution? I think not.

Mr. Speaker, I now yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise very much in support of this bill.

Is it exactly like I want? No. Obviously, it is not like what Mr. BERMAN wants either. And if you don't like the bill, just vote ''no,'' as you have on many 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 can and should help 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 this bill goes to the heart of our enforcement problem, that is, simply a lack of enforcement. That has been our problem. Across the board, from the borders to the workplace to illegal immigrant crime, we have allowed the odds 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, and 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 American citizens too, the odds get a lot better. That might start an epidemic of looking at other ways to improve our odds, Mr. Speaker, in fighting overall illegal immigration.

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 give up. 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 proves how using commonsense 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 and are just here to 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 police from granting immunity from being reported for deportation to 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 chairman for yielding me the time.

Mr. CONYERS. Mr. Speaker, before I yield to 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, the gentleman from Georgia 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 law 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. Republicans and Democrats, I might add.

And, of course, I should remind 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.

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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 Senate myself. I will 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, we are 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. And that is 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 a single cent to enforce 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. Instead, this bill asks 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 the fact that American 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 would we want to have to enforce Federal immigration laws when we have to enforce the local laws to protect our citizenry.

If a crime is committed, 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 going 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 dismally.

So what we are doing now is to say let's keep the immigrants out. Let's keep them out. Let's keep them out. But let's let them in through the back door. Republicans do not prosecute employers, but then they blame Democrats for talking about other ways to deal with those who are already working here. We all know that letting immigrants in helps corporations and businesses that are using immigrants as the cheapest labor that they can find to benefit their activities.

And 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 immigrants, are the same ones that then turn their back and do nothing.

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

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

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 with a couple of 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.

Frankly, 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 rolling over and playing dead over 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 again what 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 our 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, both legal 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 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 over the head, 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 integrate immigration law enforcement into their duties in a way that will increase the safety and well-being of immigrant communities.

Now, many immigrant communities are held hostage by violent alien gangs. Many of those gang members have already been deported for criminal activity and have returned to this country illegally. If State and local law enforcement officers identify such aliens, they can either turn a blind eye or wait until the aliens commit new crimes, or they can apprehend the gang members and turn them over to the Department of Homeland Security to get them out of this country.

Clearly, immigration communities will be safer if those vicious criminals are taken off the streets before they can kill or rob again. And what other circumstances are State and local law enforcement likely to report to DHS? As an example, they may report on illegal aliens they come across in the normal course of carrying out their duties, such as after stopping for speeding a smuggling van carrying illegal immigrants.

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 increased prosecution. Last year I introduced the Criminal Alien Accountability Act that would stiffen the penalties for coyotes and other criminal aliens. My legislation was incorporated in large part into H.R. 4437, the ''Border Protection, Antiterrorism, and Illegal Immigration Control 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, and is demoralizing to the Border Patrol agents who work so 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 varying 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 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 undermines the authority 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 an immediate 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 firsthand 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 that Congress intended.

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, turning 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 would not be able to arrest 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 if 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 the 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 FY2013, subject to the availability of 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 Alien 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 give State and 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 civil 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. Experience 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 consequences.

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 injunction 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 without attaching a written explanation 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.

DHS has filed a motion to dissolve the injunction. *Wilfredo* v. *Gonzales*, No. CV 82–1107MM (C.D.Cal. 2005).

I urge you to vote against the Immigration Law Enforcement Act of 2006.

AUGUST 14, 2006.

HOUSE OF REPRESENTATIVES,
Committee on Homeland Security, Sub-Committee on Immigration, Washington, DC.

DEAR SUB-COMMITTEE MEMBERS: I am writing to respond to your invitation to testify 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) that I appreciate and wish to thank you for the honor 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 for inclusion 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 excluding the City of Houston and/or other local jurisdictions from receiving needed federal law enforcement funds. These funds are needed to put more officers on the streets of Houston, protect our neighborhoods, 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 funding and penalize not only the City of Houston, but also Harris County, and other local and national jurisdictions, which will be negatively effected by this amendment. The end result of any law enforcement funding exclusion amendment, if it is applied to Houston and

other communities like Houston would be to make our local communities less safe. In other words these amendments would have the opposite effect of their purported purpose.

Illegal immigration is being hotly debated in Congress and in our local communities. Opinions on how to address this complex issue differ greatly and emotions run high. Extremes exist on either side of the debate as represented by the recent mass demonstrations by immigrant groups and their supporters and the funding exclusion amendment 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 residents respectfully disagree with any effort to eliminate federal law enforcement funding and in effort to create an unfunded mandate. Illegal immigration is an issue that effects 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. The City of Houston's policies and those of most major cities across America reflect the challenges and realities faced by a City and police agency that is responsible for protecting and serving a diverse community comprised of citizens, non-citizens, legal residents, visitors and undocumented immigrants. The City's policies seek to best 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 liability for violating such laws; and has the 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 fund exclusion amendment and Protect Our Citizens' referendum.

City does not have a sanctuary policy

Currently, the police department is operating under General Order 500–5 [See attached Exhibit 1]. General Order 500–5 was implemented in 1992 by then Chief Nuchia, who is currently serving as a Justice in the Texas Judiciary's 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 detain or arrest persons solely on the belief that they are in the country illegally.

Officers will contact the [Federal Immigration Authorities] regarding a person only if that person is arrested on a separate 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 department and federal agencies on immigration matters that are criminal in nature. [Exhibit 2] In the summer of 2005, I directed Executive Assistant Chief Thaler, Assistant Chief Perales and Deputy Director/General 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 detainers. Based on those discussions, the department developed procedures to accept and act upon criminal immigration detainers 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 suspect and for whom they will authorize detention directly into a federal detention facility. In addition, whenever the department has a person in custody on other criminal charges, the department 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 criminal violations.

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 emanated from other jurisdictions or arose out of federal or state laws. Our officers are currently involved in various federal task forces addressing criminal matters including violent criminal gangs. Because we have and will continue to enforce laws relative to 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 only the City's or the police department's opinion but also that of Robert Rutt 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 acknowledged the police department's significant cooperation with I.C.E. [Exhibit 3]

Concerns with local enforcement of federal immigration law

Local enforcement of federal immigration laws raises many daunting and complex legal, logistical and resource issues for the City of Houston and the diverse community it serves. Like other jurisdictions 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.

* * * * *

were 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 enforce complex federal immigration laws, it is more likely the City/police 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 with communities of both legal and illegal immigrants. The reality is that undocumented immigrants are a significant part of the local populations major police agencies must protect, serve and police. The City of Houston faces the same challenges.

Local officers have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach programs and specialized officers who work with immigrant groups. We have a clear need to foster trust and cooperation with everyone in these immigrant communities. Assistance and 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 prevent and solve crimes and maintain public order, safety, and security in the whole community. Local police contacts in immigrant communities are important as well in 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. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal 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 terroristic 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 our 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.

Illegal immigration has consistently 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, taxpaying 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 in 5 years. 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 it was first tried in 2002 is known as the "287(g) cross-designation training" program. By the authority of section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security can enter into assistance agreements with State and local agencies. The 287(g) training and certification gives local law enforcement a vital tool in combating the growing problems from illegal immigration. Many illegal aliens who've committed crimes in America can now be held and processed for deportation or Federal prosecution through use of the 287(g) program. State and local officers can even interview suspects and prison inmates 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 in House. The rush to bring these bills 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 beefing up 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 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. 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 read 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 fisal year 2010. Over 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 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 on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back 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.

Page 3, line 13, strike "(2)" and insert "(4)".

Page 3, line 17, strike "(3)" and insert "(5)".

Page 3, line 21, strike "(4)" and insert "(6)".

Page 4, line 3, strike "(5)" 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). 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.

□ 1515

H.R. 6095 reaffirms the inherent authority of State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain or transfer to Federal custody aliens in the United States in order to assist in the enforcement of immigration laws, and clarifies guidelines for the prosecution of smuggling offenses. It also ends the practice of catch and release by DHS to ensure that immigration laws are enforced in the manner in which they were intended.

This 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 motion 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 nongermane, 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 various 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 my motion to recommit 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. GUTIERREZ. 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 were actually to sit around a table and use 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 members and 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.

MOTION TO RECOMMIT OFFERED BY MR. REYES

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 read 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, 642 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.

(4) 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 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 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.

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 defect 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?

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Speaker, my motion to recommit states that the assets would go to the immigration matters that are in the jurisdiction of the Judiciary Committee. It has no reference at all about going to conference. I think those are very germane differences.

The SPEAKER pro tempore. Does any other 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 elected 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 overburdened local law 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, by the 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.

It is now 5 years 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 fail them yet again. Let's 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 the 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 ensure vigorous enforcement against alien smugglers, and it 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 has 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 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 is on the motion to recommit.

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.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 2-minute votes on passage of the bill, passage of H.R. 4830, and motion to suspend the rules on S. 2832, if ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 226, not voting 10, as follows:

[Roll No. 467]

YEAS—196

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

NAYS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)

McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boehlert
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1552

Messrs. BRADY of Texas, DENT, SAXTON, BROWN of South Carolina, Mrs. MYRICK, Mr. HALL, Mr. TIBERI, Ms. GRANGER and Mrs. EMERSON changed their vote from ''yea'' to ''nay.''

Mr. CLAY changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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. 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:

[Roll No. 468]

YEAS—277

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—140

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Blumenauer
Boucher
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NOT VOTING—15

Boehlert
Carter
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Pitts
Rehberg
Reynolds
Strickland
Thompson (MS)
Walsh
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BORDER TUNNEL PREVENTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 4830, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 469]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble

Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Boehlert
Case
Cubin
Evans
Harris
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

□ 1602

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 unfinished business is the question of suspending the rules and passing the Senate bill, S. 2832.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2832.

The question was taken.

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

Mr. 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:

[Roll No. 470]

YEAS—215

Abercrombie
Aderholt
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Cardin
Castle
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Costa
Cramer
Crenshaw
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall
Harman
Hart
Hastings (WA)
Hayes
Herger
Hinojosa
Hobson
Hoekstra
Holt
Hulshof
Hyde
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McKinney
McMorris Rodgers
Mica
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Pearce
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Wamp
Waters
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Woolsey
Young (AK)
Young (FL)

NAYS—204

Akin
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bean
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonilla
Boren
Boswell
Boyd
Brown, Corrine
Brown-Waite, Ginny
Burgess
Camp (MI)
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Chabot
Clay
Cleaver
Conaway
Conyers
Cooper
Costello
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Farr
Filner
Flake
Ford
Fossella
Frank (MA)
Franks (AZ)
Gingrey
Gonzalez
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E.B.
Jones (NC)
Kanjorski
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moran (VA)
Murtha
Nadler
Neal (MA)
Neugebauer
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell

Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Price (GA)
Rangel
Reyes
Rohrabacher
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thornberry
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Watt
Waxman
Weiner
Westmoreland
Wexler
Wilson (SC)
Wolf
Wu
Wynn

NOT VOTING—13

Ackerman
Boehlert
Case
Cubin
Evans
Granger
Harris
Millender-McDonald
Moore (KS)
Ney
Strickland
Thompson (MS)
Walsh

□ 1610

Messrs. GUTKNECHT, PETRI, SWEENEY, BURGESS, INGLIS of South Carolina, and FORD, and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 65.

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

There was no objection.

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 Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEENEY, KOLBE, ISTOOK, CRENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. FARR. 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 votes will occur 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 BATFE 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.

□ 1615

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 Firearms 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 planes 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 schedule that I see. Is it firm? 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.

Mr. HOYER. I thank the gentleman for that information. We understand it has 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 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, droughts 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 last question 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. 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 American believes 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 Republicans will not even 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 financial hole in it, dug by 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.

□ 1630

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 on average $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 being afraid, they fail to protect the American people by implementing the recommendations of the bipartisan 9/11 Commission. Republicans spend more effort instilling fear in the Americans 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 Syria our 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 doubt the moral 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 America 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. The American people 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 middle class in this country wants taken care of, not the 1 percent at the top.

[From the New York Times, Sept. 21, 2006]

ONLY 25 PERCENT IN POLL APPROVE OF THE CONGRESS

(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, with substantial majorities 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 disdain 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; most said 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 reelection, compared with 48 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 Republicans experienced 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 had not improved his own or 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 issue that has been a bulwark for Mr. Bush, 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 the war in Iraq, to 36 percent from 30 percent. The results also suggest that after bottoming out this spring, Mr. Bush's approval ratings on the economy and foreign policy have returned to their levels of about a year ago, both at 37 percent. 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, the poll found marked disenchantment 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 reelection 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 follow-up 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 35 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 far fewer seats are in play.

Thus, while 61 percent of respondents said they disapproved of the way Congress was handling its job, just 29 percent said they disapproved of the way their own ''representative is handling his or her job.''

The New York Times/CBS News poll began last Friday, four days after the commemoration 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 questioning in that poll went through Sunday; The Times and CBS completed questioning Tuesday night. Presidential addresses often produce shifts in public opinion that tend to be transitory.

The nationwide poll was conducted by telephone Friday through Tuesday. It included 1,131 adults, of whom 1,007 said they were registered to vote, 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.

Evidence of the antipathy toward Congress in particular—and Washington in general—was abundant: 71 percent said they did not trust the government to do what is right.

''If they had new blood, then the people that influence them—the lobbyists—would maybe not be so influential,'' said Norma Scranton, 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 a little 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 start—''Isn't it time for a change?'' asked an advertisement by the Democratic Senatorial Campaign Committee directed against Senator Jim Talent, Republican of Missouri.

And Republican incumbents are seeking to distance themselves from fellow Republicans in Washington. ''I've gone against the president and the Republican leadership when I think they are wrong,'' Representative Christopher Shays, a Connecticut Republican locked in a tough reelection battle, said in a television advertisement broadcast this week.

The Republicans continue to be seen as the better party to deal with terrorism, but by nowhere near the margin they once enjoyed: it is now 42 percent to 37 percent. When asked which party took the threat of terrorism more seriously, 69 percent said they both did; 22 percent named Republicans, compared with 6 percent who said Democrats.

Voters said Democrats were more likely to tell the truth than Republicans when discussing the war in Iraq and about the actual threat of terrorism. And 59 percent of respondents said Mr. Bush was hiding something when he talked about how things were going in Iraq; an additional 25 percent said he was mostly lying when talking about the war.

Not that Democrats should draw any solace from that: 71 percent of respondents said Democrats in Congress were hiding something when they talked about how well things were going in Iraq, while 13 percent said they were mostly lying.

Robert Allen, a Democrat 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 southern 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. Agent Compean had 5 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.

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. He is not 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, asking him 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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

U.S. CONGRESS MUST LEAD ON PEACE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today, September 21, 2006, the world celebrates International Peace Day. Unfortunately, as we look around the world, we see more unrest and more people living in poverty, and certainly not more genuine peace.

This administration has chosen the road of conflict and war, leaving diplomacy and discussion on the side of the road. 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 Iraq 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 Odem and 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.

This war, 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 misguided 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 back 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

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana is recognized for 5 minutes.

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 southwest Louisiana, Vermilion Parish, 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 disaster.

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 who were able to ensure a safe and thorough evacuation that did not result in 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 undescribable, 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 and rebuilding. 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 critical state 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, it is an American problem. And it is 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 am stopped by my colleagues 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 for a helping hand. For many Americans last year's hurricane season will be 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.

□ 1645

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MARKING 15TH ANNIVERSARY OF REESTABLISHMENT OF INDEPENDENCE OF ARMENIA

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 Armenia Americans in my district, the largest Armenia community outside of Armenia, ''Oorakh Angakhootyan Or,'' congratulations to the people of Armenia on a decade and a half of freedom.

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 here 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 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 over the past decade.

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 broad 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 of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OUTLAW OF THE UNDERGROUND

Mr. POE. Request permission to take Mr. BURTON's time and speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. 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 of it was a piece of plywood. Down 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 outhouse. I have seen photographs of it.

This was Elizabeth's dark dungeon of depravity for 10 days. He had booby-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 abused 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: Hey, 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 the rat 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 see this outlaw of the underground 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 pain that is suffered by your 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, I 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 boys and hang 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. SKELTON) is recognized for 5 minutes.

(Mr. SKELTON 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 taking place 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. But the AU 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 the United States Senate to support the House-passed Darfur Peace and Accountability Act so that we can get that critical litigation to the President's desk as quickly as possible.

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 today.

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 so 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 I am a member. Since its inception 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 northwest 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 some of the hardest-working people who are dedicated to our country and have a steadfast resolve 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 country.

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 has 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., the CEO 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 jobs that paid well over $200,000 a year, investigating claims for State Farm, because they felt that company was abusing the people who paid for their policies, that their company was engaging in fraudulent behavior by denying these 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 Benvenutti, who, interestingly 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.

If 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?

What are they doing to corrugated box salesman? What are they doing to high school teachers who don't have a prayer and who have been told that their cases could take years to be heard?

Mr. Rust, you not only denied those people, but, in my opinion, you also stole from the taxpayers. Let me walk the taxpayers through this. Flood insurance is paid through you, the taxpayers. It is heavily subsidized this year to the tune of over $20 billion. According to the Rigsby sisters, your agents were instructed to walk on a piece of property, and, without looking at any of the evidence, blame it all on the water. It was all water; offer to pay that water claim immediately, and say, we will get back to you on the wind, knowing full well that an investigation would not take place on the wind policy, and that the only check those people are going to get would be from the taxpayers.

You see, that broke the law, because under the False Claims Act, when you ask your Nation to pay a bill that it should not pay, you are liable for triple damages and a $10,000-per-incident fine. I think that is exactly what went on. This House has passed language asking the inspector general of the Homeland Security Department to look into that. Unfortunately, the other body has not acted on that. Senator LOTT, for his part, has passed the funding for that investigation for $3 million, but this House has not voted on that.

So, in return for your behavior towards the people of south Mississippi, where over 1,000 south Mississippi families feel like the only chance they have of any justice is to go to court, I am going to try to do three things in my time remaining as a Member of this House.

Number one, I am going to push for that investigation, because I am confident in my heart that you stole from the taxpayers when you did that.

The second thing is I am going to work to remove your antitrust exemption. I bet you it would surprise the average American to know that if the two hardware stores in town called each other up and said, let's charge this much money for a gallon of paint, if they were caught doing that, they would go to jail. But Allstate can call State Farm, who can call Nationwide, who can call Farm Bureau, and they can say, this is how much we are going to charge for an insurance premium, and this is what the benefit is going to be. Yes, let us all play hardball and not pay any claims. It is perfectly legal. Check my facts on that, it is perfectly legal.

Look at your own pay stub. I would guarantee probably that at least the fourth biggest expenditure in every American family is insurance. Do you want to know one reason why it is so expensive? There is no real competition. They are exempt from the antitrust laws. No one should be above the laws. I am going to work to take away that exemption.

Third thing is I am going to work to pass an all-peril policy so that the people of Mississippi, Florida, Alabama or Texas don't have to stay in their house with a video camera to record how their house was destroyed to get some justice out of you.

Lastly, I am going to work for Federal legislation because you have picked the States apart. You are picking on 50 little States, 50 sets of rules. You are taking advantage of the citizens of this country when you ought to be dealing with our Nation's government.

Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD a copy of a letter from me to Mr. Edward B. Rust, CEO, State Farm Insurance Companies, dated September 20, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC, 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 to establish a few basic facts about Katrina's damage in Mississippi. There is no property in Mississippi that was damaged solely by flooding. More than 300,000 properties, including many that were hundreds of miles inland, sustained wind damages but no flooding. Properties nearest 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 destroyed without suffering 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 winds and powerful gusts before the surge. High winds continued to cause additional damage during the surge, and the wind and water in combination caused the worst destruction.

State Farm recently reported that it has handled more than 84,700 property claims in Mississippi, yet requested engineering reports 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 homeowners near the coastline had flood insurance, but not for the full value of their properties. Hundreds of homeowners who bought every property insurance policy that was available to them—homeowners, windstorm, and flood—are nevertheless left with huge uncovered losses because State Farm and other insurers have decided 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, even where you acknowledge that wind was a cause of the damage, is an especially cynical and despicable act.

Your company's betrayal of its policyholders has had horrible financial consequences for families and communities at their time of greatest need. Some policyholders will file bankruptcy and default on their mortgages. The lucky ones will recover only after depleting their savings and retirement accounts and assuming large new debts. Worst of all, I fear that your actions will result in unnecessary deaths in future disasters. If you succeed in establishing that the burden of proof is on policyholders to prove that wind and wind alone caused damage, I am convinced that some people who should evacuate will stay behind next time to record the damage.

State Farm and other insurers have contracts with the National Flood Insurance Program that permit you to sell flood policies and adjust flood claims that are backed by federal taxpayers. When your adjusters assigned all damage to flooding, I believe you committed fraud against the United States government. State Farm's contract with NFIP obligates your company to apply the same standards to flood claims as you apply to your own claims. The federal regulations do not empower you to assume flood damage anywhere it is possible, while denying wind claims unless no other cause is possible.

I believe that State Farm and other companies violated the False Claims Act by manipulating damage assessments to bill the federal government instead of the companies. I have written the Justice Department 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 Inspector General of the Department of 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 cosponsor of legislation introduced by Rep. Peter DeFazio to repeal the antitrust exemption that was granted to the business of insurance by the McCarran Ferguson Act. After Katrina, this issue will be much higher on my agenda. It is obvious that the large insurance companies 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 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 offset their uninsured losses. 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 press for a vote on legislation to have the federal government take responsibility for regulation of insurance. It is ridiculous for the industry to claim that insurance is not ''interstate commerce'' rightfully under federal jurisdiction when companies stop issuing policies in New York and Florida because of claims in Mississippi and Louisiana. Congress and federal regulators should have clear responsibility for oversight of the insurance industry.

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.

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 and investigate your industry in order to protect consumers and taxpayers.

Sincerely,

GENE TAYLOR,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to direct remarks in debate to the Chair, not to others in the second person.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

(Ms. ZOE LOFGREN of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

(Mr. MACK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1715

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 CLYBURN 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 stature of the United States of America and the opinion of those around the world of us, and the need 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 body that is created by 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 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 believing 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 try to change the debate to something that may be 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 the 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 friends. 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.

I want 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. Only about 7 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 Secretary of 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 Defense Department.

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 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

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, calling the President of the United States a devil, it doesn't seem like they think this is the end of cowboy diplomacy.

So we have 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 revolution 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, NSA, the 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 planet.''

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 you look at 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, 642. New border agents per year under the Bush 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 Bush administration. Look, in 1995, 6,455, and 1,389 in 2003 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, we can 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 of mass 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 rules, by making sure you can't spend money that you don't go get 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 wage earners, people who 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 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 them to help us with our diplomacy. I don't care if you are a liberal or 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 million new jobs. Economic expansion that benefited everyone. Welfare roles decreased and declined.

□ 1730

Then we look at what this President and this Congress has done. In the last 4 or 5 years, this President and a Republican-controlled Congress has borrowed more money from foreign interests than any other President before him. So 224 years, Mr. Speaker, 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. It seems 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 was said and 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, 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 record to be proud of.

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 all could agree 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 disappoint him, Mr. Speaker. This is the 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 in my district, and they say, if I was 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 that 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 get egg 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 let 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 this 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 putting flowers in a courthouse 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 innocent lives that are going to 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 Combat V, Silver Star medal with 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 war side has not 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 that we had, we 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's.

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. Where are the hearings? Where is the oversight? Where is the accountability? There is not any.

And then when you talk about the bloatedness of government, I want to share with you, Mr. Speaker, and the other Members of this body about one of the great proposals that we have here and that the Democrats will offer in January when we take over this Chamber.

Those 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.

What I 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 who you are, whether you are Secretary Rumsfeld or 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 reconfirmation.

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 reform this government, 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 71 percent since Bush took office. And if you look, the cost of tuition and fees at a 4-year public university has exploded 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 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 cities and 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 summertime 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 ready, 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 area. And when 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 are they making? They are making $5, $6, $7, $8 an hour instead of 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 24 percent. How many families end up having to purchase gallons of 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 still at zero.

Let's look at a 4-year public college education, increased 77 percent, and minimum wage is still at the same. Let's look at health insurance, increased almost 100 percent, 97 percent; and minimum wage is still a zero increase. And then let's take a look at 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 gone down, 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 just 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 who are going 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 coughing on one another and the 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. 2002, $4,900; 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? But they won't vote for a congressional increase and they won't vote to increase the minimum wage. It is unfair; it is outrageous. And if we are going to be a competitive country, working people, people at the bottom of the rung, 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 MEEK, 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. KENDRICK 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 as they continue to make less 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 brought it 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 these CEOs, I mean, I am not disliking 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, a few families, $1 trillion 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-something Working Group. We have another hour after the Republican hour to come back here to be able to share the information not only with the Members but also with the American people and make sure that they know that we are here on their behalf as Americans first.

I think the facts are overwhelming here, but I just want to make sure, because whenever you identify a problem, you have to have a solution coming shortly thereafter or right before. So I am going to take the opportunity in addressing the Members and talking about the solution, and then identifying the obvious problem. Not a problem that we have identified within the Democratic caucus, but the U.S. Department of the Treasury has identified, the Inspector General, the Department of Homeland Security has identified, and that the Government Office on Accountability have also identified as major issues that are facing our country that we haven't faced in the history of the Republic.

□ 1800

I am saying since we have been a country, we haven't been in the posture that we are in right now, and I think it is important that we present those facts.

We are saying on this side of the aisle we want to take America in a new direction. That new direction consists of six points. It goes beyond, but mainly six points. First, the protection of Social Security is so very, very important. I am from Florida, and Social Security is a major issue in Florida and throughout this country. As we look at disability benefits for American workers when they are injured on the job, to be able to have Social Security which they paid into, they can receive their full benefits. When you have retirees, one thing they can count on, and they probably can't count on a pension from a company that they have been working for or at for some 25 or 30 years, but they can count on Social Security because it is backed by the U.S. Government.

And also survivor benefits. As we look at survivor benefits for folks that were working, and if they pass on, their children have an opportunity to educate themselves. There are some Members of Congress here who are presently serving who have taken advantage of survivor benefits that have made our country stronger in preparing these bright, young minds to be able to lead our country in the future.

I am really sad to report that it continues to be under attack 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 Members go on 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.

From 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 E85 and alternative fuels and using coal. We are the Saudi Arabia here in the United States in regards to coal. We have enough coal 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 have already put out our innovation agenda, Mr. Speaker, and also energizing America, making us energy independent. Members can also view that on HouseDemocrats.gov. That is making sure that the next generation is ready to take over. And for this 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 Members on the majority side that want to belittle 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 since 1997, $3,100, $4,600, $3,800, $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 pay increases.

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 as relates to homeland security 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 that the President spoke to, 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 over all 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 the Department of Homeland Security started saying 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 you doing it? We are not doing it 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 to 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 needed 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 renamed 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 awarded 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 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 only 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 do. So 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 at 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. Legislation is 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 chain 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 they be educationally or whatever 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 an empty suit. 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 taking e-mails. 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 SERVICEMEMBERS IN GLOBAL WAR ON TERROR

The SPEAKER pro tempore (Mr. REICHERT). 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 heavy heart, but with the most renewed 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.

□ 1815

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 our Nation.

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, wanted 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, as other 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, in 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 Gavin, your father; your husband; 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 didn't want 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 full 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. While certain people want to say it is a 'civil war,' I want to tell you firsthand 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 inexperience 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 discourse in our country. They know it is only a matter of 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 win. They 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.

''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 then and we can't now. Those that say otherwise are sympathizing with the enemy.''

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 of the progress that we are 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 that through the mosques 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. Regardless of what the religion is 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't 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 from our own hemisphere to the south, 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 who just spoke are all talking politics. 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 whether we agree or not.

I 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 here in 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 the current 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 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 the feeling, dear world dictator, 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 or any other president, 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.''

Thank you, CHARLIE RANGEL, for being an honorable Democrat who stands united at this time of war.

Hugo Chavez is a troublemaker in a big way. He wants to work with Iranian President Ahmadinejad. I watched his interview last night on Anderson Cooper, and he calmly looked Anderson Cooper in the eyes, and he gave a very warped view of history, not even willing to acknowledge that the Holocaust took place. Completely in denial. You would have to wonder where in the world he gets his facts or his view of the world.

This is a troubling time in American history. I say to young people everywhere I go, the days ahead will be very, very difficult. We need to be honest with them 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 in the Senate 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 carry out this tough mission 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.

□ 1830

VIRGINIA FOXX is a new Member, but you would never know it because she has got tons of experience, and she has been down here standing up for what she believes, day in and day out. I want to yield to her on this most important issue of global security.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Tennessee (Mr. WAMP) for organizing this event tonight, and the other ones that he has mentioned. I think it is important that we stand up here and explain to the American people things that they may not hear on their local television station, and that we let folks know how strongly some of us feel about what is happening in this world and what options we have and what things we ought to be doing about it.

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 continue 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, violence and the 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 civilization 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 over 3,000 innocent civilians. 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 night club in Bali, the bombing of a commuter train in Spain, and 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, surveillance programs, 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 never be known. 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 points out again how 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 444 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, he does not realize 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 they are denying the people of Iran their 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 any peaceful religion or civilization. We are at war with terrorists, and terrorists' warped interpretation of religion.

We need to protect the civilized world from the threat that these people represent. 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 anyone 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 regardless of what some would have 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 reestablish a caliphate for themselves and their rule that extends from northwest 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.

If we 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 now exported terrorism and frankly 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 are growing, and our way of life 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 warped sense of reality, and comes 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 attached to 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 a Member from Michigan who 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, THADDEUS 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 have been fixed forward, towards the progression 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 sworn enemies who endeavored to kill each other.

□ 1845

Yet because of the foundational truth 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 today. 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 face the grim contest, the unsought struggle in 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 globe, 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 in the Middle East, if we allow the newly emancipated people of Iraq, 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 of his own people. It would be easy 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 continent and seek to prey 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 version of worldwide slavery, through 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 attack free people, and we may be 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 our hemisphere could become a serious 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 my 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 in with 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. Meet them at their point of 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 speak there as Chavez spoke 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, nothing they care more about 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.

Those better persons 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 of these voices in 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 has all of a sudden, for 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 you spin it, we can't 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 are free, because there are 2,000 miles 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 line 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 the 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 Iranian-based, started next door to Iraq, still the source of the terrorist insurgents into Iraq.

These threats are real, they are global, and we 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 American people just want to see that southern border that I mentioned was 2,000 miles long secured. 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 leadership at a hearing, 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 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 released on your own recognizance depending 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 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 here now.

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 knows that better than anybody 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 then 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.

□ 1900

But, guess what? That was 31,000 fewer than the previous year in the same month. Word is getting out: we are not going to allow you 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, I believe, going to come up 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 out this month, in September, a multibillion 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 it 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's throat and head as he is screaming, that is not somebody that observes the Geneva Accords. We don't do that kind of thing. We never have, never will. But we are in a war for our survival.

One of the things that has probably amazed my friends on this side of the aisle is we have heard even from a former marine lambasting current active duty marines as being cold-blooded killers, as saying the Defense Department is all engaged in this coverup. They need to give credit where credit is due.

I spent 4 years in the Army, and I can tell you having visited troops around different spots in the globe and 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 same 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 done in lambasting and criticizing so unfairly our troops.

Tonight, I would like to recognize another true American hero. On October 28, 2005, 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 81mm mortar platoon 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 helicopter. As the sun came up, 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 one 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 to go again 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 and his marines found themselves up against a company-sized Iraqi force along the enemy's 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's relief 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 a success, 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 to yield 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 Bolshevik dictators, joined league with the communist Castro on the island of Cuba to plant nuclear weapons 70 miles off the United States shores.

What a sad irony in history it would be for the United States today to see a dictator in Tehran join league with the oppressive dictator Mr. Chavez in Venezuela to potentially place nuclear devises within America's borders.

I think we should look back to what President Kennedy talked about when he addressed the Cuban missile crisis in order to steel ourselves for the struggles ahead. President Kennedy pointed out that America does not keep its word only when it is easy. America does not keep its word only when it is easy. And while the price of freedom is always high, Americans have always paid it.

I am convinced that if we learn from the lessons of histories and from the successes of individuals like President Kennedy, from his commitment to defending this Nation, to the expansion of liberty, we ourselves will see the day where both Cuba and Venezuela and the people of Iran are free.

Mr. WAMP. 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 party has an 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 these threats of global jihadism and whether we unite anymore 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 also 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 look forward to working 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 here, here in the United States as it relates to implementing the 9/11 Commission recommendations.

□ 1915

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 unfortunate that we do have 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, which we have said on this side of the aisle that one of the first actions of the Congress, of the Democratic Congress, would be to make sure that we move the minimum wage to $7.25.

Making sure that we deal with the cost of the increased 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 can look 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 that they have ever experienced 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.

Making 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 of health care costs, of what it is costing 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 relates to bringing this out-of-control spending and borrowing Congress. 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?

I guess 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 would have a real strategy. Maybe we would save $429 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 fact, not fiction. Maybe, just 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, we are understaffed as it relates to 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 responder, Mr. Speaker, I must 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 now I have got to become a border agent 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 in the war in Iraq.

All of these issues, 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, in trying to 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. Here is the war in Iraq costs, okay? So when you are talking about whether it is 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 here, 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.

Here are the projected costs for 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 at the lack of investment here at home, 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 in the middle. The number of terrorists are 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. MURTHA and Mr. SKELTON 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 next person 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 fired. Nobody has been fired.

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. No one can be appointed to this body. You have to run. You have to be directly elected to this body. If something happens to a Senator, they

resign, they pass away, a Governor can appoint. You can't get appointed to the House of Representatives, Mr. MEEK. You have got to run; you have got to get elected.

And so the costs are there, Mr. Speaker. All those billions of dollars. And when you compare those costs to what we could spend that money on here in the United States, it is baffling, it is mind-boggling.

Mr. MEEK mentioned the Homeland Security Department, $33 billion for a year. That could be paid for, our homeland security budget could be paid for with 4 months of spending in Iraq. How about equipping commercial airlines with the proper defenses against shoulder-fired missiles? $10 billion. That could be paid for by 5 weeks in Iraq. And on and on and on.

Now, a lot of our cities, I represent Youngstown, Ohio; Akron, Ohio; Warren, Ohio. A lot of the issues we face back home are the issues of cops and making sure we have police on the beat. And a lot of these local communities, very poor, they don't have the necessary resources, Mr. MEEK, to fund the police and fire. There are always levies going on the ballot getting shot down. We could double the COPS program which provides community policing grants. We could double the COPS program, $1.4 billion a year with 5 days in Iraq.

So you want to talk about homeland security? You want to talk about making our neighborhoods safe? Just a few weeks in Iraq, we could be able to fund this program.

Mr. MEEK of Florida. Thank you, Mr. RYAN. The COPS program is something that the Association of Police Chiefs wants; it is what the Association of Sheriffs wants. It is something that local communities, Mr. Speaker, they want it. The cops support community-oriented policing support from the U.S. Congress.

Now, if 20 percent or 10 percent of that funding is in place, it would be shocking, and it is not there. As a matter of fact, in many areas it has been zeroed out. And so this is where people get an opportunity to see its government at work: bike patrols, preventing crime before it happens. I think it is very, very important.

Mr. RYAN, because we believe in third-party validators in the 30-something Working Group, I just wanted to take out the Washington Times, by no stretch of the imagination the liberal paper, because as the Republican majority always talks about, you know, when I was in Florida, they had this caucus called the Freedom Caucus, and they wanted to be conservatives.

But I just wanted to say that I think it is important that we bring third-party validators, not just fiction, but third-party validators. The Washington Times. It is an article, I guess Members can go online, July 9 of 2006. I take this stuff and I read it, and I make sure that we get it to be able to bring out in such a time as this.

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 didn't go in the back and print 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 with 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 $535-plus 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 to do business. We don't come to the floor to play around and whatever, picking things out of the sky saying that we believe or are using fiction and all. Here is something right here. Members can go on WWW.house.gov/waysandmeans—democrats where you can get this report here of ''Social Security Privatization, A Continuing Threat.'' And it quotes the Governmental Accountability Office and what they found. And here is a copy of the GAO report, just a summary right here, just some points, confirming that the impact of the Bush plan would result in a benefit cut. And I think it is very, very important that people understand that and that you understand that benefits will be cut.

We had some folks here on this floor, Mr. Speaker, it happened in 109th Congress, all of us here in this Chamber right now. And those Members in their offices know full well that people came here to the floor and said, you will not experience a benefit cut.

It is not about the special interests getting what they want, Mr. Speaker. It is about the American people getting what they need and what they deserve. Because special interests is not paying into Social Security, when you look at what the average American has to pay into Social Security. And then we are going to privatize it so that others can benefit off of social security benefits for the American people?

If you drive an F–10 or you drive a flex vehicle, this is your issue. If you are an American worker and you got injured on the job and you are on disability, this is your issue. If you are a retired American or coming close to retirement, even though you may have a pension or a 401(k), this is your issue.

Because this is what the Federal Government has said, that we have your back on Social Security. When all else fails, when Enrons of the world take place and when all these kinds of things take place where people thought that they were going to have something and they don't necessarily have it the way they thought they were going to have it, one thing that they can count on, Mr. Speaker, and that is Social Security. One thing that they can count on.

So when we start talking about privatizing Social Security, there were going to be some very happy 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 sort of stock exchange scheme, and 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 organizations, 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 and by the Democratic minority, 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 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 what is here.

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. Like I said, we 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.

Look at these profits. A meeting 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. 2003, $59 billion. 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, and still in my opinion paying through the nose, for overpriced fuel and for overpriced gas here in the United States, need it be heating oil, need it be diesel or what have you. And the American public is paying for this because now trucking companies have a fuel surcharge on it, and so not only are you paying at the pump, you are paying at the grocery store and you are paying at the department stores.

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 like, oh, read it and then 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 shows 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 but denied as recently as 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 shows that 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 these 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 do this; this is what they have done.

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, then someone may say, 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 Mobil 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.

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 industry, whether 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, real briefly, on July 13 what even Newt Gingrich is saying, the third-party validator, Mr. Speaker, about lack of leadership here in the United States Congress.

□ 1945

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 our Six 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 make America safer.

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 can pass 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 job 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, to sever 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 those who happen to have their Member be in the majority; and we will do it with fiscal discipline. No more deficit spending. Pay as you go, audit the books, account for the money to the American people.

All of this is possible because of the energy and enthusiasm of our 30-somethings, Mr. RYAN, Mr. MEEK, and Ms. DEBBIE WASSERMAN SCHULTZ, and all of the other 30-something members who have participated here 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 forth with an optimism into these elections, an 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 graced with 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 significant impact on 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 gentlewoman'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 heard it from 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 here 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 back after the elections, 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 8 years in the State legislature and has worked in the Florida Senate in a bipartisan way, a lot can be accomplished on then 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 far ahead of us. We are trying to catch up with them. We are saying that we have the will and the desire to do so. Thank you for coming here.

Ms. PELOSI. I thank you again for your leadership in the fight to preserve Social Security, to stop the privatization, to stop the raid on the trust fund, and to stop the reduction in benefits. Without the participation of the 30-somethings, we would not have been as successful as we were.

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. This is something that 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.

Mr. RYAN, I look forward to continuing, 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 new direction and have real security. 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, second time, third 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 and we 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: Since we are getting into the debate of who can 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-somethings coming 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 before we come to the floor, of sharpening our tools and talking about what we are going to do, how we are going to do it, talk about the history of what we have done in the past, and talking about the legislation that is filed in this Congress.

□ 2000

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 schemes 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 works. And the reality, Mr. Speaker, is the fact that the President, years after the 9/11 Commission report has been sent to the Congress and went to Barnes and Noble and Amazon.com and folks have copies of it, two or three copies of it, read it three times, still sends his budget to the Hill calling for 250 Border Patrol agents. If the Democratic amendments were adopted, Mr. Speaker, we would have over 6,000 new Border Patrol agents at 2,000 Border Patrol a year, as the 9/11 Commission called for. It was not that we went to the Democratic caucus and said, hey, let's just come up with a number of what we think should happen. We took the bipartisan recommendation from the 9/11 Commission.

So like I said, the leader has already laid the foundation. The leader has come to the floor here in the p.m., a little bit before 8 p.m. eastern standard time, to deliver the message on behalf of the Democrats in this House that have the will and the desire to lead and said what we would do in the first 100 hours.

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'' paragraph. '' . . . 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 energy companies, not the pharmaceutical 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. HouseDemocrats.gov/30something.

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 TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–135)

The SPEAKER pro tempore (Mr. CAMPBELL of California) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the 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, in 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 repond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2006.*

THE DISTINCTIONS BETWEEN THE REPUBLICANS AND THE DEMOCRATS

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 folks as they listen in on our conversation here tonight, Mr. Speaker.

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, and I especially appreciate their 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 it 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 produced our own. And we have 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 and vice versa. That is as it should be. We are to put our 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 and doing due diligence, Mr. Speaker. 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 denied by this 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. That is the mantra. That is 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 it only lasts for 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 full of enthusiasm and optimism 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 go bankrupt, save it so 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 contribution 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 markets will crash and everybody will be broke and live in poverty forever after. That was the demagoguery 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 tonight saying, we will fix it.

But, you know, Mr. Speaker, they don't have the tools to do that. They demagogued the only tools that can fix Social Security unless you want to 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, $8 billion to a bond, 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.

□ 2015

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 a promise in the first 100 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 that they earn to invest so that they could 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 of 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 healthy. We get fresh air. We work. We get exercise. And we live longer in western Iowa than maybe anyplace 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 promise to reform 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 crack 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 minority 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 leadership in the United States 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, obfuscated 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.

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 tenfold, 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 it out of corn. And we will produce it out of cellulosic material such as switchgrass, cornstalks, hay grounds, you name it.

But 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, they are burning 100 percent ethanol, it was not made here tonight, that I heard, Mr. Speaker, and I want to clarify that, but I have heard that on this floor before, that is a false statement when you hear that.

I went down to Brazil. I looked at their operations down there. I went to their ethanol production and their car production facilities. I went to their gas stations. I drove down their roads. They only have 20,000 miles of hard-surfaced roads in Brazil. And their ethanol production, as a percentage of the gallons burned on the roads, all of the roads in Brazil, is only 15 percent; not 100 percent, 15 percent. That is all, Mr. Speaker.

If you take out of that mix the diesel-burning vehicles, the cars and the trucks that are burning diesel fuel and just get them down to the vehicles that are flex-fuel gas burners, ethanol burners, those cars that can conceivably be retrofitted to burn ethanol, then your number becomes 37 percent of that is ethanol, and the balance is gasoline.

They have a blend. We burn a 10 percent blend in Iowa. That is popular across the country. That is a standard ethanol mix. But 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 demands of their marketplace. 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.

Mr. Speaker, I would submit the United States of America produces a lot more ethanol than Brazil does now or ever will. And we are in an aggressive growth mode. It is such an aggressive growth mode that now, in fact today, there is discussion in the hearing in the Ag Committee about how we are going to have enough grain left over to feed our livestock if a huge percentage of it goes to fuel production.

And I can tell you, Mr. Speaker, that in my congressional district there were producers there that for the first time, I will say the first time anywhere, the first time in history, owned shares that were invested in an ethanol production facility for corn, and a biodiesel production facility for biodiesel. And so they had to make a decision do I plant more soybeans because I am likely to get a better return off my shares invested in the biodiesel plant, soybeans go into that diesel, or do I plant more corn because I am likely to realize more profit when my corn goes into my ethanol plant.

What do I do? I have got, say, 1,000 acres. How do I balance that all out? Those questions were being asked by producers when they put the crop in the ground this spring for the first time ever, and next year there will be hundreds more with the same happy predicament, Mr. Speaker.

And the list goes on and on. And in the Fifth District where we are close to the number one ethanol producer in America, I believe we will be there by the end of next year, there are at least 14 ethanol production facilities that

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 there are more 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 very good policy that initiated 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, that circle of our neighboring States, 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 go 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 gallons a year, roughly, or more. 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 back yard, 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 oil, 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 very 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 ANWR, the same kind of topography, 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.

□ 2030

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 vote with the 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 then more 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 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 $75 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. I would like to take credit for it, but I can't. But I bought gas for $2.10 last weekend, Mr. Speaker, just last weekend. $2.10. It was up over $3

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 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 in the Gulf 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 just need to get the people out of the way that don't take a rational position, but take a protectionist position.

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 ANWR so we can get that into the pipeline? 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 legislate that 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 theaters that are there. As we review those circumstances, I have been refreshed 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 by 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 that has dramatically 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 up, 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 are fortunate to be 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.

Then 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 are just left 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 Shi'as 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 that does threaten 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 and 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 that if the oil flows 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 with a group of citizens from 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, and it is an idea that I hope our President takes a look at and one that can be discussed over in the Middle East.

□ 2045

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 can simply 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 frothing at the mouth, radical, 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 that were way 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 Muslim world was 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 they were working towards a future and they had a measure of freedoms 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 submit, Mr. 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 United States 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 Israel is the bulls-eye in this global war that is going on right now. They would like to annihilate Israel because they see that as doable. They would like to annihilate the United States because they believe we are the antithesis of their culture. I 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? I hope that 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 lashes out, one that worships death, one that we could never understand and should not try because 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 habitat 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 another 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 parasite Islamic fascist lives, and a 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 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 steeps 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 are talking about, Mr. Speaker, is the one the President presented. It is the one the Senate has passed. It is the one the President had 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 come 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 in the last fiscal year, the border patrol intercepted 1,188,000 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, to do that 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 give me is perhaps 10 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 and said do you stop 25 percent, 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 almost 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. It was an opening round that 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, 114 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, contrary to the position 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 point.

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 border 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.

□ 2100

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 30 percent 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 opportunities are 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. That 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 to it this way, that is, if you are 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 submit that as 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 these 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 they 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 maybe, maybe 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 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 employ about 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 are making money on 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 we know about them is 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 understand there are two. 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.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, September 25, 26, and 27.

Mr. JONES of North Carolina, for 5 minutes, September 25, 26, 27, and 28.

Mr. SIMPSON, for 5 minutes, September 26.

Mr. MACK, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, September 25.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of

the House of 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 households 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 of the following titles;

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 418. An act to protect members of the 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 Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project.

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 morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9526. 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.

9527. 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 in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9528. 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.

9529. 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 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

9530. 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, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on International Relations.

9531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, 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 Norway and Spain (Transmittal No. DDTC 031-06); to the Committee on International Relations.

9532. 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 terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

9533. 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 blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

9534. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9535. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9536. A letter from the Agency Tender Official, Installation Services, Department of Labor, transmitting two letters for Congressional notification in compliance with Title III, Subtitle C, Section 326 of the Ronald W. Reagan National Defense Authorization Act of Fiscal Year 2005, Pub. L. 108-375; to the Committee on Government Reform.

9537. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9538. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9539. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2006 Performance Plan and FY 2004 Annual Performance Report, pursuant to the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

9540. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Examination of McKinley Technology High School Modernization Project''; to the Committee on Government Reform.

9541. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft bill that would amend certain unworkable, statutory investment provisions relating to the Department of the Treasury's investment of the Yankton Sioux and the Santee Sioux Tribes' Development Trust Funds; to the Committee on Resources.

9542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2006-23648; Directorate Identifier 2006-CE-07-AD; Amendment 39-14514; AD 2006-06-06] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnel Douglas Model DC-9-31, DC-9-32, DC-9-32F, DC-9-33F, DC-9-34, and DC-9-34F Airplanes; and Model DC-9-40 and DC-9-50 Series Airplanes [Docket No. FAA-2006-24430; Directorate Identifier 2006-NM-048-AD; Amendment 39-14671; AD 2006-13-18] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries MU-2B Series Airplanes [Docket No. FAA-2006-23578; Directorate Identifier 2006-CE-01-AD; Amendment 39-14668; AD 2006-13-15] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop Engines [Docket No. FAA-2006-23706; Directorate Identifier 2006-NE-03-AD; Amendment 39-14688; AD 2006-15-08] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-19473; Directorate Identifier 2004-CE-35-AD; Amendment 39-14146; AD 2005-13-09] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop, and TSE331-3U Model Turboshaft Engines [Docket No. FAA-2006-23704; Directorate Indentifier 2006-NE-02-AD; Amendment 39-14674; AD 2006-14-03] (RIN: 2120-AA64) received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nicholasville, KY; Correction [Docket No. FAA-2006-24686; Airspace Docket No. 06-ASO-7] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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; Establishment of Class E Airspace; Camp Ripley, MN [Docket No. FAA-2005-22472; Airspace Docket No. 05-AGL-08] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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. 750XL Airplanes [Docket No. FAA-2006-13-05; Directorate Identifier 2006-CE-02-AD; Amendment 39-14658; AD 2006-13-05] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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-2006-24073; Directorate Identifier 2002-NM-272-AD; Amendment 39-14653; AD 2006-13-01] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-24523; Directorate Identifier 2006-NM-057-AD; Amendment 39-14654; AD 2006-13-02] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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; Boeing Model 757 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)(A); 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 Gas Turbine Division, and Detroit Diesal Allison) 250-B and 250-C Series Turboprop and Turboshaft Engines [Docket No. FAA-2005-22594; Directorate Identifier 2005-NE-28-AD; Amendment 39-14659; AD 2006-13-06] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); 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 A300 B2 and A300 B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2004-19566; Directorate Identifier 2004-NM-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)(A); 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 Modified by Supplemental Type Certificate (STC) SA979NE [Docket No. FAA-2006-25175; Directorate Identifier 2006-NM-099-AD; Amendment 39-14670; AD 2006-13-17] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Airplanes [Docket No. FAA-2005-23173; Directorate Identifier 2005-NM-190-AD; Amendment 39-14644; AD 2006-12-18] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Airplanes [Docket No. FAA-2006-24431; Directorate Identifier 2006-NM-011-AD; Amendment 39-14748; AD 2006-12-22] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9559. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, -300ER Series Airplanes [Docket No. FAA-2006-24173; Directorate Identifier 2005-NM-262-AD; Amendment 39-14652; AD 2006-12-26] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9560. 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-2006-25102; Directorate Identifier 2006-NM-117-AD; Amendment 39-14666; AD 2006-13-13] (RIN: 2120-AA64) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30509; Amdt. 3181] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9562. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses that support the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

9563. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2007 [CMS-8029-N] (RIN: 0938-AO19) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9564. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible for Calendar Year 2007 [CMS-8030-N] (RIN: 0938-AO23) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9565. A letter from the Acting Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Public Law 109-59, section 6005(h); jointly to the Committees on Transportation and Infrastructure and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5092. A bill to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives; with an amendment (Rept. 109–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5418. A bill 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 (Rept. 109–673). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. POMEROY, Ms. BALDWIN, Mrs. CAPITO, Mr. CONAWAY, Mrs. CUBIN, Ms. HERSETH, Mr. KING of Iowa, Mr. LUCAS, Mr. MORAN of Kansas, Mr. OBEY, Mr. SALAZAR, Mr. SOUDER, and Mr. SENSENBRENNER):

H.R. 6130. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CHOCOLA (for himself and Mr. GILLMOR):

H.R. 6131. A bill to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. ENGLISH of Pennsylvania (for himself, Mr. BLUNT, Mr. CARDIN, and Mr. PALLONE):

H.R. 6132. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. GORDON, Mrs. MYRICK, Mr. NORWOOD, Ms. HERSETH, Mr. WELDON of Florida, Mr. DEAL of Georgia, Mr. BURGESS, Mr. SHIMKUS, and Mr. SHUSTER):

H.R. 6133. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANTOR (for himself and Mr. RYAN of Wisconsin):

H.R. 6134. A bill to amend the Internal Revenue Code of 1986 to expand health coverage through the use of high deductible health

plans and to encourage the use of health savings accounts; to the Committee on Ways and Means.

By Mr. MARSHALL (for himself, Mr. RANGEL, Mr. ACKERMAN, Mr. BOEHLERT, Mr. OWENS, Mr. TOWNS, Ms. SLAUGHTER, Mr. ENGEL, Mrs. LOWEY, Mr. MCNULTY, Mr. SERRANO, Mr. WALSH, Mr. HINCHEY, Mrs. MALONEY, Mr. MCHUGH, Mr. NADLER, Ms. VELÁZQUEZ, Mrs. KELLY, Mr. KING of New York, Mr. FOSSELLA, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. CROWLEY, Mr. SWEENEY, Mr. WEINER, Mr. ISRAEL, Mr. BISHOP of New York, Mr. HIGGINS, and Mr. KUHL of New York):

H.R. 6135. 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. MATHESON, Mr. THORNBERRY, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. BROWN of South Carolina, Mr. BAKER, Mr. KLINE, Mr. MCGOVERN, Mr. WOLF, Mr. CRENSHAW, Mr. PICKERING, Mr. SHIMKUS, Mr. EHLERS, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Mr. PETRI, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. HUNTER, Mrs. BONO, Mr. DREIER, Mr. MCKEON, Mr. ROGERS of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. GARY G. MILLER of California, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. WELDON of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. BONNER, Mr. HASTINGS of Washington, Mr. KUHL of New York, Mrs. EMERSON, Mr. MCCOTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Ms. HART, and Mr. CALVERT):

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. RAMSTAD, Mr. WELLER, Mr. FOLEY, and Mr. CHOCOLA):

H.R. 6137. A bill to amend the Internal Revenue Code of 1986 to double the damages, fines, and penalties for the unauthorized inspection or disclosure 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. TIBERI):

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. PASCRELL):

H.R. 6139. A bill to direct the Secretary of Homeland Security to impose requirements for the improvement of security camera and video surveillance systems at certain airports, and for other purposes; to the Committee on Homeland Security.

By Ms. LEE (for herself, Ms. PELOSI, Mr. LANTOS, Mr. RANGEL, Mr. HONDA, Mr. OLVER, Mr. MCDERMOTT, Ms. NORTON, Ms. WATERS, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. MEEKS 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. ROTHMAN, Mr. BERMAN, Mr. WEINER, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEK of Florida, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. KUCINICH, Ms. SOLIS, Mr. HINCHEY, Mr. WEXLER, Mr. MCGOVERN, Mr. ENGEL, Mr. DELAHUNT, Mr. GRIJALVA, 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 Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY:

H.R. 6141. A bill to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; 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. RADANOVICH, Mr. NORWOOD, Mr. UPTON, Mr. BUYER, Mrs. MYRICK, Mr. GILLMOR, and Mr. TERRY):

H.R. 6143. A bill to amend title XXVI of the Public Health Service Act to revise 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, Ms. 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. KILDEE, Mr. KENNEDY of Minnesota, Mr. FITZPATRICK of Pennsylvania, Mr. MOLLOHAN, Mr. TAYLOR of Mississippi, Mr. KING of New York, Mr. CLYBURN, Mr. MURTHA, Mr. RYAN of Ohio, Mr. LANGEVIN, Ms. BORDALLO, and Mr. BARROW):

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 Committees on Education and the Workforce, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6146. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Ponce Inlet Unit P08; 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 qualified nonmetropolitan county for purposes of the HUBZone programs of the Small Business Administration; to the Committee on Small Business.

By Mr. AL GREEN of Texas (for himself, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Ms. CARSON, Mr. HONDA, Mr. CLEAVER, Mr. STARK, and Mr. GRIJALVA):

H.R. 6149. A bill to enhance housing and emergency assistance to victims of Hurricanes Katrina, Rita, and Wilma of 2005, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Judiciary, 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. KENNEDY of Minnesota, Ms. MCCOLLUM of Minnesota, 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 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office''; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. POMEROY, Mr. EMANUEL, and Ms. WATSON):

H.R. 6152. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote 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. FRANK 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 use beds certified for such hospitals for 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. PEARCE:

H.R. 6156. A bill to provide for the exchange of certain land in the Lincoln National Forest, New Mexico, with the owners of Ranchman's Camp and the C Bar X Ranch, to adjust the proclamation boundary of that national forest, and for other purposes; to the Committee on Resources.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, and Mr. RYAN of Wisconsin):

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. ABERCROMBIE):

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that the States should enact joint custody laws for fit parents, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. HOLT, Ms. BORDALLO, Mr. ETHERIDGE, Mrs. CUBIN, Mr. FILNER, Mrs. MCCARTHY, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. LYNCH, Mr. GORDON, Mr. BRADLEY of New Hampshire, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. PICKERING, Mr. MCNULTY, Mr. WATT, Mr. SIMMONS, Mr. BISHOP of New York, and Mrs. CAPITO):

H. Con. Res. 478. Concurrent resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs; to the Committee on Education and the Workforce.

By Mr. HAYES:

H. Res. 1029. A resolution honoring the 125th anniversary of the founding of the town of Norwood, North Carolina; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H. Res. 1030. A resolution expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents; to the Committee on Homeland Security.

By Mr. FOSSELLA (for himself, Mr. CROWLEY, Mr. ENGEL, Mr. MCHUGH, Mr. TOWNS, Mr. ACKERMAN, Mr. BASS, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Mr. KUHL of New York, Mr. HIGGINS, Mr. BOEHLERT, Mr. SWEENEY, Mr. KING of New York, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. LAHOOD, Mr. MACK, Mr. SHAYS, Mr. WALSH, Mr. HINCHEY, Mr. PORTER, Mr. REYNOLDS, Mr. RUSH, Mr. SHUSTER, Mr. CASTLE, Mr. WELDON of Pennsylvania, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. JENKINS, Mr. DOOLITTLE, Mr. BONILLA, Mr. ENGLISH of Pennsylvania, Mr. RENZI, Mr. TERRY, Mr. ISSA, Mrs. KELLY, Mr. WAMP, Mr. RYAN of Ohio, Mr. BRADY of Texas, Mr. MCNULTY, Mr. SCHWARZ of Michigan, Mrs. BLACKBURN, Ms. BORDALLO, Mr. DEAL of Georgia, Mr. SULLIVAN, Mr. PICKERING, Mr. BARTON of Texas, Mr. KINGSTON, Mr. SHIMKUS, Mr. MCHENRY, Mr. BISHOP of New York, and Mr. GRIJALVA):

H. Res. 1031. A resolution requesting the Department of Health and Human Services to develop a plan for a comprehensive and permanent program to medically monitor individuals who were exposed to the toxins of 9/11 Ground Zero in New York City and to provide medical treatment for all such individuals who are sick as a result of exposure to the toxins; to the Committee on Energy and Commerce.

By Mr. FOSSELLA (for himself, Mrs. MALONEY, Mrs. MCCARTHY, Mr. TOWNS, Mrs. KELLY, Mr. OWENS, Mr. CROWLEY, Mr. ENGEL, 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. 668: Mr. HINCHEY and Mr. WEXLER.
H.R. 676: Ms. MOORE of Wisconsin.
H.R. 699: Mr. BOUCHER.
H.R. 791: Mr. MURTHA.
H.R. 817: Mr. BISHOP of Utah.
H.R. 864: Mr. CUMMINGS and Mr. ETHERIDGE.
H.R. 910: Mr. ALLEN, Mr. MATHESON, and Mr. MEEHAN.
H.R. 1000: Mr. RANGEL.
H.R. 1059: Mr. SIMMONS.
H.R. 1405: Mr. WEXLER.
H.R. 1443: Mr. MATHESON.
H.R. 1507: Ms. KAPTUR.
H.R. 1578: Mr. BILBRAY.
H.R. 1634: Mr. FEENEY, Mr. BOREN, and Mr. WEINER.
H.R. 1649: Mr. STARK.
H.R. 1902: Mr. PAYNE and Mr. KUCINICH.
H.R. 1951: Mr. SOUDER.
H.R. 1957: Mr. YOUNG of Alaska.
H.R. 2014: Ms. HOOLEY, Mr. FRANK of Massachusetts, and Mr. LARSON of Connecticut.
H.R. 2088: Mr. KLINE.
H.R. 2184: Ms. MCCOLLUM of Minnesota and Mr. MCDERMOTT.
H.R. 2421: Mr. TAYLOR of Mississippi, Ms. MATSUI, Mr. WAXMAN, Mr. SALAZAR, Ms. BALDWIN, Mr. GRAVES, Mr. MATHESON, Mrs. JO ANN DAVIS of Virginia, and Mr. JOHNSON of Illinois.
H.R. 2662: Mr. DAVIS of Illinois.
H.R. 2841: Mr. BECERRA and Mr. WELDON of Pennsylvania.
H.R. 2923: Mr. DOGGETT, 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. 3307: Mr. SMITH of New Jersey.
H.R. 3326: Mr. DELAHUNT.
H.R. 3352: Mr. BACHUS.
H.R. 3509: Mr. LAHOOD.
H.R. 3559: Mr. GOODLATTE and Ms. GRANGER.
H.R. 3576: Mr. FILNER.
H.R. 3605: Ms. WATSON, Mr. HASTINGS of Florida, and Mr. FILNER.
H.R. 3628: Mr. RUSH.
H.R. 3795: Mr. BRADLEY of New Hampshire.
H.R. 3883: Mr. ISSA.
H.R. 3931: Ms. SCHWARTZ of Pennsylvania.
H.R. 3948: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4033: Mr. BRADLEY of New Hampshire.
H.R. 4042: Mr. MARCHANT.
H.R. 4063: Mr. CAPUANO.
H.R. 4098: Mr. PASCRELL.
H.R. 4198: Mr. WEXLER.
H.R. 4277: Mr. MCCOTTER.
H.R. 4452: Ms. SOLIS.
H.R. 4547: Mr. SHIMKUS.
H.R. 4560: Mr. FORTENBERRY and Mr. DELAHUNT.
H.R. 4720: Mr. THOMAS.
H.R. 4740: Mr. STRICKLAND and Mr. FITZPATRICK of Pennsylvania.
H.R. 4746: Mr. HAYES.
H.R. 4751: Mr. ROGERS of Kentucky and Mr. ABERCROMBIE.
H.R. 4771: Mr. STARK.
H.R. 4794: Mr. WEXLER.
H.R. 4824: Mr. WELDON of Pennsylvania.
H.R. 4830: Mrs. BIGGERT.
H.R. 4910: Mr. PICKERING.
H.R. 4924: Mr. FILNER.
H.R. 4927: Mr. MCCRERY and Mr. LATHAM.
H.R. 5005: Mr. BOUSTANY and Mr. KENNEDY of Minnesota.
H.R. 5014: Mr. KIND, Mr. DOGGETT, and Mr. GENE GREEN of Texas.
H.R. 5022: Mr. PRICE of North Carolina.
H.R. 5088: Mr. CONYERS, Ms. LEE, and Mr. GEORGE MILLER of California.
H.R. 5131: Mr. HINOJOSA, Mr. GRIJALVA, Ms. LEE, Mr. RANGEL, Mr. PALLONE, Mr. REYES, Mr. ROTHMAN, Ms. ZOE LOFGREN of California, Mr. ANDREWS, Mr. FILNER, Mr. MORAN of Virginia, Mrs. DAVIS of California, Mr. AL GREEN of Texas, Mr. LANGEVIN, Ms. WOOLSEY, Mr. FARR, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mrs. CAPPS, Mr. WU, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. MEEHAN, Mr. DAVIS of Florida, Mr. NADLER, Mr. WEINER, Ms. VELÁZQUEZ, Mr. ALLEN, and Mr. SCHIFF.
H.R. 5134: Mr. STARK.
H.R. 5139: Mr. DENT and Mr. OSBORNE.
H.R. 5147: Mr. WEXLER.
H.R. 5179: Mr. PORTER.
H.R. 5206: Mr. SHAYS and Ms. HARRIS.
H.R. 5348: Mr. OBERSTAR.
H.R. 5470: Mr. HEFLEY.
H.R. 5472: Mr. RAMSTAD, Mr. BOSWELL, Mrs. DAVIS of California, Mr. MEEHAN, Mrs. MALONEY, Mr. BOEHLERT, Mr. LATHAM, Mr. RYAN of Wisconsin, Mr. COSTELLO, Mr. FITZPATRICK of Pennsylvania, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mrs. MCCARTHY, Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Mr. SCHIFF, Mr. LOBIONDO, Ms. HERSETH, Mr. WELDON of Pennsylvania, Mr. ORTIZ, and Mr. MATHESON.

H.R. 5478: Mr. GOODLATTE.
H.R. 5496: Mr. PASCRELL.
H.R. 5558: Mr. UPTON and Mr. DOOLITTLE.
H.R. 5590: Mr. CULBERSON and Mr. GARY G. MILLER of California.
H.R. 5677: Mr. WOLF.
H.R. 5704: Mr. SHAW, Mr. NEUGEBAUER, Mr. MCINTYRE, and Mr. HAYES.
H.R. 5738: Mrs. JO ANN DAVIS of Virginia.
H.R. 5740: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5755: Mr. DEFAZIO and Mrs. JO ANN DAVIS of Virginia.
H.R. 5770: Mr. LEWIS of Georgia.
H.R. 5771: Mr. MATHESON, Mr. PALLONE, and Mr. NUSSLE.
H.R. 5784: Mr. WATT.
H.R. 5806: Mr. BUTTERFIELD, Mr. WYNN, Mr. DINGELL, and Mr. CONYERS.
H.R. 5834: Mr. CAPUANO.
H.R. 5862: Mr. PICKERING.
H.R. 5864: Mr. GUTKNECHT.
H.R. 5866: Mr. GOODE and Mr. MCCOTTER.
H.R. 5888: Mrs. JO ANN DAVIS of Virginia.
H.R. 5900: Mrs. JOHNSON of Connecticut, Mr. EHLERS, and Mr. DOGGETT.
H.R. 5909: Mr. ROTHMAN, Mr. STARK, Mr. WELDON of Pennsylvania, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, and Mr. PETERSON of Minnesota.
H.R. 5916: Mr. MCINTYRE.
H.R. 5920: Mr. SOUDER and Mr. HEFLEY.
H.R. 5929: Mr. JOHNSON of Illinois and Mr. SHIMKUS.
H.R. 5945: Mr. CONYERS and Mr. MCDERMOTT.
H.R. 5951: Mr. CONYERS.
H.R. 5954: Mr. BARTLETT of Maryland.
H.R. 5965: Mr. CROWLEY, Mr. BERRY, and Mr. PETERSON of Minnesota.
H.R. 5977: Mr. GOODE.
H.R. 5986: Mr. CULBERSON.
H.R. 6030: Mr. LAHOOD, Mr. MOLLOHAN, Mr. CONAWAY, Mr. KING of Iowa, Mrs. WILSON of New Mexico, Mr. DAVIS of Alabama, Mr. SPRATT, and Mr. BOSWELL.
H.R. 6036: Mr. MCINTYRE.
H.R. 6038: Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. RANGEL.
H.R. 6047: Mr. REYES.
H.R. 6053: Mr. NEUGEBAUER and Mr. KENNEDY of Minnesota.
H.R. 6064: Mr. PAYNE.
H.R. 6066: Ms. ROS-LEHTINEN.
H.R. 6079: Mr. GARRETT of New Jersey and Mr. FRANK of Massachusetts.
H.R. 6080: Mr. BISHOP of Utah.
H.R. 6082: Mr. PRICE of North Carolina.
H.R. 6083: Mr. SERRANO, Ms. WOOLSEY, and Mr. TOWNS.
H.R. 6092: Mr. GOHMERT.
H.R. 6093: Mr. ABERCROMBIE.
H.R. 6094: Mr. SOUDER, Mr. ROYCE, Mr. GARY G. MILLER of California, Ms. FOXX, Mr. ISSA, Mr. DAVIS of Kentucky, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. SESSIONS, Mr. MARCHANT, Mrs. DRAKE, Mr. MCCOTTER, Mr. SMITH of Texas, and Mr. KING of Iowa.
H.R. 6095: Mr. SOUDER, Mr. ROYCE, Mr. GARY G. MILLER of California, Ms. FOXX, Mr. ISSA, Mr. DAVIS of Kentucky, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. SESSIONS, Mr. MARCHANT, Mrs. DRAKE, Mr. MCCOTTER, Mr. SMITH of Texas, and Mr. KING of Iowa.
H.R. 6097: Mr. MCINTYRE.
H.R. 6099: Mr. SESSIONS, Mr. FORBES, Mrs. MCMORRIS RODGERS, Mr. PETERSON of Minnesota, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. GINGREY, Mr. GUTKNECHT, Ms. HART, Mr. MARCHANT, Mr. PEARCE, Mr. ROHRABACHER, Mr. SODREL, Mr. WAMP, Mr. WELDON of Florida, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, Mr. MOLLOHAN, and Mr. INGLIS of South Carolina.
H.R. 6109: Mr. YOUNG of Alaska, Mr. ENGLISH of Pennsylvania, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 6118: Mr. BARTLETT of Maryland.
H.R. 6124: Mr. ENGEL and Mrs. MCCARTHY.
H. Con. Res. 197: Mr. SIMMONS.
H. Con. Res. 222: Mr. HERGER, Mr. PORTER, Mr. BONILLA, Mr. CHABOT, Mr. BILBRAY, Mr. SIMPSON, Mr. MCCOTTER, Mr. PAUL, Mr. GRIJALVA, Mr. NUSSLE, and Mr. GINGREY.
H. Con. Res. 348: Mr. MCGOVERN.
H. Con. Res. 404: Mrs. JONES of Ohio and Mrs. DAVIS of California.
H. Con. Res. 424: Mrs. SCHMIDT, Mr. NUSSLE, and Mr. NEUGEBAUER.
H. Con. Res. 425: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 453: Mr. GRIJALVA, Mr. STARK, Mr. MEEHAN, and Mr. CONYERS.
H. Con. Res. 457: Mr. MURTHA.
H. Con. Res. 465: Ms. BALDWIN.
H. Con. Res. 470: Mr. OLVER, Ms. MCCOLLUM of Minnesota, and Ms. WATSON.
H. Con. Res. 473: Ms. WOOLSEY, Mr. KING of Iowa, Mr. KNOLLENBERG, Mr. FITZPATRICK of Pennsylvania, Mr. WOLF, Mr. FRANK of Massachusetts, Ms. BALDWIN, and Mr. DENT.
H. Con. Res. 476: Mr. BROWN of Ohio, Ms. CARSON, Mr. CUELLAR, Mr. DAVIS of Florida, Mr. EMANUEL, Mr. FITZPATRICK of Pennsylvania, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mrs. KELLY, Mr. MOORE of Kansas, Mr. REICHERT, and Mr. SCOTT of Georgia.
H. Res. 222: Ms. HERSETH.
H. Res. 496: Mr. MCGOVERN, Mr. JEFFERSON, Mr. HOLT, and Mr. RUSH.
H. Res. 745: Mr. SANDERS and Ms. GRANGER.
H. Res. 863: Mr. PAYNE, Mr. RUPPERSBERGER, Mr. RUSH, Mr. MICHAUD, and Mr. DAVIS of Illinois.
H. Res. 888: Ms. CARSON and Mr. MEEHAN.
H. Res. 944: Mr. BERMAN, Mr. ENGLISH of Pennsylvania, and Mrs. JONES of Ohio.
H. Res. 962: Mr. ENGLISH of Pennsylvania and Mr. JOHNSON of Illinois.
H. Res. 969: Mr. SHAYS.
H. Res. 973: Mr. REICHERT.
H. Res. 989: Mr. PETRI.
H. Res. 990: Mr. KUCINICH, Ms. JACKSON-LEE of Texas, and Ms. McKinney.
H. Res. 991: Ms. NORTON, Mr. CANNON, Mr. PLATTS, Mrs. SCHMIDT, Mr. CUMMINGS, Mr. MICA, Mr. MCHENRY, Ms. WATSON, Mr. HIGGINS, Mr. OWENS, Mr. MARCHANT, Mr. BOUSTANY, Mr. CASTLE, Mr. VAN HOLLEN, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. DUNCAN, Mr. DENT, Mrs. JO ANN DAVIS of Virginia, Mr. PORTER, and Mr. HAYWORTH.
H. Res. 1009: Mrs. BIGGERT, Mr. OSBORNE, Mr. OWENS, and Mr. HINOJOSA.
H. Res. 1014: Mr. KINGSTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 65: Mr. SIMMONS and Mr. FARR.
H.R. 2048: Mr. ROTHMAN.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 3 by Mr. EDWARDS on House Resolution 271: Marion Berry.

Petition 12 by Mr. MARKEY on H.R. 4263: Barbara Lee.

Petition 14 by Mr. FILNER on House Resolution 917: Eddie Bernice Johnson, Barney Frank, Anna G. Eshoo, Susan A. Davis, Michael F. Doyle, Lynn S. Woolsey, Julia Carson, Barbara Lee, Doris O. Matsui, Sheila Jackson-Lee, Bart Gordon, Stephen F. Lynch, Betty McCollum, Mark Udall, and John F. Tierney.

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

Vol. 152 WASHINGTON, THURSDAY, SEPTEMBER 21, 2006 *No. 119*

Senate

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.

ACTIVITY IN THE SENATE

Mr. FRIST. Mr. President, we have a lot of activity going on, both on the floor and also off the floor. We have several conference reports, in terms of appropriations bills—Homeland Security and Department of Defense. We are making real progress. We will address those next week. An issue which I am constantly asked about by press and constituents is what progress is being made and how much progress is being made on the legislation surrounding terrorist camps and terrorist military tribunals and terrorist surveillance. There is a lot of activity at the committee level. Negotiations are underway 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.

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.

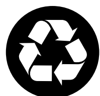
Mr. REID. The other question is, I recognize that other than delaying things, if the majority wants to go home, that is what we do because we have fewer votes than they have. But my Senators are asking, and staff is asking, is this Friday and Saturday the date that the majority is going to go home?

Mr. FRIST. Next Friday or Saturday.

Mr. REID. The reason I say that, if there is some anticipation that if things don't work out, we are going to go beyond next week, our folks should know that.

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.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**



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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 the 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 for 2007 happen 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—have come 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 out of 100 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 committee hearings, no markups—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 our seniors 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 today. There is no reason not to do this today. We can get it done quickly. Eighty Senators wrote:

> The undersigned Members respectfully 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 we are seeking in law directly tracks MedPAC's recommendation for what the physician payment update should be for 2007. So we have a solid policy. We have an overwhelming majority of Senators, based on solid policy, and we know if we don't make this change, our seniors and people with disabilities are going to lose access to their doctors.

We know from a recent survey conducted by the AMA 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 which, 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. But you cannot tell a physician who is trying to make ends meet to be able to continue to serve people that, by the way, we are going to cut your payments coming in, but we want you to buy new hardware and software and train people and do all of these other things so that the Federal Government can save dollars. It doesn't make any sense.

We also know that 37 percent of doctors practicing in rural communities—and in my great State of Michigan, we have a huge, beautiful rural part of our State. I grew up in one of those small towns, in Clare, in the northern low peninsula.

I understand about access to physicians and access to health care. We know that 37 percent of doctors practicing 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. So 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 then they 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

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, not unless we do something now about the payment system used to reimburse physicians for Medicare services.

Beginning January 1, 2007, the Medicare sustainable growth rate formula will cut payments 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 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, Lancing, 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 1982, 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 (including 3 other partners) is made up of 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 80 people 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 its 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. CRAIG. 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 minority 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 Sunday in September, 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 soldiers, encouraging patriotism 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 annual 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 and sacrifice 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.

While they continually experience many dangerous challenges, our men and women of our Armed Forces continue making strides in Iraq and Afghanistan. We have fought a terrible enemy that has no regard for human life. 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, Shias, 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 Mus'ab al-Zarqawi, the forces of Islamic extremists vow that they will continue to wage war on 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 those who have lost their lives 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. Travis W. Anderson
Pfc. Shawn M. Atkins
Staff Sgt. Daniel A. Bader
Sgt. Douglas E. Bascom
Sgt. Thomas F. Broomhead
Petty Officer 2nd Class Danny P. Dietz
Lance Cpl. Mark E. Engel
Staff Sgt. Christopher M. Falkel
Pfc. George R. Geer
Lance Cpl. Evenor C. Herrera
Cpl. Benjamin D. Hoeffner
Staff Sgt. Theodore S. Holder II
Maj. Douglas A. La Bouff
Staff Sgt. Mark A. Lawton
Spec. Derrick J. Lutters
Pfc. Tyler R. MacKenzie
Lance Cpl. Chad B. Maynard
Sgt. Dimitri Muscat.
Sgt. Larry W. Pankey Jr.
Staff Sgt. Michael C. Parrott
Pfc. Chance R. Phelps
Pfc. Ryan E. Reed
Sgt. 1st Class Randall S. Rehn
Staff Sgt. Gavin B. Reinke
Sgt. Luis R. Reyes
Pfc. Andrew G. Riedel
Capt. Russell B. Rippetoe
Pfc. Henry C. Risner
Sgt. 1st Class Daniel A. Romero
Lance Cpl. Gregory P. Rund
Staff Sgt. Barry Sanford
Staff Sgt. Michael B. Shackelford
Cpl. Christopher F. Sitton
Lance Cpl. Thomas J. Slocum
Lance Cpl. Jeremy P. Tamburello
Staff Sgt. Justin L. Vasquez
2nd Lt. John S. Vaughan
Capt. Ian P . Weikel
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.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains in morning business for our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 20 seconds remaining.

Mr. CRAIG. Mr. President, first, I wish to recognize the Senator from Colorado for the speech he has just delivered. As chairman of the Veterans' Affairs Committee, Gold Star mothers are always at our committee working with us to ensure that those who survived and are America's veterans are treated fairly and justly and the benefits they have been provided by law are delivered to them.

I thank the Senator from Colorado for 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 probably is very 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, off 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-zone 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 that 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 reality of America developing its oil reserves 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 areas 20,000 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 risk money and speculative price. That is gone. That is gone 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 and 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 Presiding Officer 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 politics 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 others have worked with me 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 lease 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 he fought to develop the first Nautilus 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 around 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—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 that are paid for oil 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 because they are a source of our energy, they are 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 proved 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 why 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 for our oil. And 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. What would happen 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, has 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. 6061, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 6061, 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.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent to speak as in morning business.

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. This bipartisan legislation 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 Diseases.''

''Crops, Hay, Lost to Flooding.''

''Area Farmers Battle Flooding, Disease.''

''Rain Halts Harvest.''

''ND Anthrax Outbreak Grows.''

These 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—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 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 and South Dakota. Now 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:

''Dakotas Epicenter 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 POMEROY 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. Why? Because not only have we had drought 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: 96, 101, 105, 94, 101, 105. But 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 POMEROY 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 pressure them off 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 was 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 will we act in time? I pray that 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 Senator NELSON and I have come to the floor today. All I can do is ask colleagues to remember that when the Gulf States suffered horrendous disasters in Hurricane Karina and Hurricane Rita, all of us came to help. We are asking for that same consideration 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 one of the supplemental appropriations 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, of course, the effects 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.

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 ask unanimous consent to speak as if in morning business about S. 385, the Emergency Farm Relief Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 did I give it a name. A drought, unlike a hurricane or a flood, 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 some identity, we 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 loss which 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 we refuse 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 based 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 the farmers and ranchers I know, and it 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 this 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 caused $342 million in damage so far this year for Nebraska alone.

Keep in mind this is in many cases 5 or 7 years old. The multiples are pretty clearly tremendously important to the State of Nebraska. Still the Senate has refused to act.

Last week, I talked about how the drought forced farmers in Nebraska to spend an extra $51 million just for irrigation costs during this summer. Still, the Senate refused to act.

Last week, I talked about how just this year the drought has cost Nebraska 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 damage to livestock 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; you rebuild it, it burns. 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 gimmicks. 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 consider this issue and certainly to vote for farmers and ranchers and rural businesses that help this Nation and the world and of whom we are asking to provide more and more of our Nation's fuel supply as well. Surely, we can find some time to vote for providing 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.

UNANIMOUS-CONSENT REQUEST—S. 3855

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 object. Objection is heard.

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. She is precluded 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 his threat.

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 every location, 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 colleague from Nebraska, came to me this weekend and said: KENT, if there is not 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.

Between 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 I do know is something is happening that is absolutely extraordinary in 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 overwhelmingly passed disaster assistance. 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 colleague 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, it is so ordered.

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.

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 one way. The fact is, when serious, 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 farming 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 prices.

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 so industries, if the price of gas is high, can use coal, or if 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 gas, some produce oil, 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 will be on one side 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 desperate for gas now. They cannot wait 10 years or three decades until we figure out the politics of drilling on the Atlantic and Pacific coast. They need help now.

For Congress to be able to help them and not help them is a crime. For Congress to be able to help them and not help them is a crime, it is a shame. It should not stand.

We have the political support and the votes now—among Democrats and Republicans in the House and the Senate, today—to open more drilling in the Gulf of Mexico. We have not been able to open sections in the gulf because of disagreements between Florida and Alabama for decades. Because of the good work of the Senators from Alabama, Mr. SHELBY and Mr. SESSIONS, and the good Senators from Florida, Mr. MARTINEZ and Mr. NELSON—they worked for months in the most difficult of political situations to come up with a way to open more oil and gas drilling in the Gulf of Mexico, a place that everyone agrees has tremendous reserves, that everyone agrees is where we should drill. There are no fights among Texas, Louisiana, Mississippi, and Alabama. Now Alabama and Florida have come to agreements. Their Governors have agreed. Their general political establishments have agreed—not unanimously but the vast majority.

We are here, a week until we leave, and we are going to do nothing—that is what some people say—because it is not good enough. I don't know what school of politics or leadership they came from. All I know, as a leader, you take things a step at a time. You cannot change the world in 1 day. You have to change it a little bit at a time. It takes time to educate people and to talk to them about the benefits. I have taken as many Senators as will go with me out on the rigs. I took the Secretary of the Interior out there to show him. It takes a while to take a lot of people out there. They are busy. They have other things on their minds. We are doing the best we can to try to educate people all over the country about the benefits.

We started drilling offshore in the 1940s. The first well was a little town in southwest Louisiana called Creole. It was just basically washed away in the hurricane. The brave little town, Creole, LA, put the first well offshore about four decades ago. The industry has blossomed since then.

The purple spots on this chart represent pipelines of natural gas. But the purple spots represent more than pipelines; they represent jobs, economic hope, and economic strength of the greatest Nation on Earth. Without these pipelines, without this gas, we cannot produce hardly anything in the United States of America—from plastics, to manufacturing, to steel, to electricity. We keep the lights on in North America. We are proud of it. We want to do more of it. We can do more of it.

We have a bill and the political leadership to open the gulf, but some people around the Capitol do not want to do that until we figure out the politics of drilling off the coast of California—I suggest that is going to take a little more than a few weeks—or until we figure out the politics of drilling off the Atlantic coast. I suggest that is going to take a little bit more work. I am willing to do the work. I have done a lot of the work for the last 10 years. I am continuing to do the work. It is not going to happen in the next month.

Meanwhile, our manufacturing cannot stay competitive with China. With cheap oil and cheap gas coming in from other parts of the world, they are laying off workers, 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 someone else 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. These are active wells. 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 30 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 opens 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 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 or more 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 national 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; Adhesive 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.

Carousal Promotional; CF Industries; Chemtura Corporation; China Mist Tea; Ciba Specialty Chemicals; Citation Homes; Colorado Agri-Business Association; Colorado Association of Wheat Growers; Colorado Farm Bureau; Concerned Pastors, Church of God in Christ; CoTransCo; David J. Cole & Associates; DeGreen 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; Glassman & Associates; Greater Metro Denver Ministerial Alliance; Greenville Free Medical Clinic; Guardian Industries; Harnes

Homes; Hawkeye Renewable Corp.; Holmes Murphy Insurance; Industrial Energy Consumers of America; International Paper; International Sleep Products Association; Iowa Farm Bureau; Iowa Health Systems; Iowa Manufactured Housing Association; ITWC, Inc.; J & K Realty; James Insurance Solutions.

Kirk Engineering and Natural Resources, Inc; Lansing Regional Chamber of Commerce; Latco Development; Latham Hi-Tech Hybrids; Living Waters Christian Center; McAninch Corporation; MeadWestvaco Corp; Michigan Agribusiness Association; Michigan Chemistry Council; Michigan Farm Bureau; Michigan Floriculture Growers Council; Michigan Forest Products 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 Cattlemen's Association; Oregon Dairy Farmers Association; Oregon Farm Bureau; Oregon Forest Industries Council; Oregon Seed Council; Oregon Small Business Coalition; Oregon Wheat Growers League; Oregonians for Food and Shelter; PPG Industries, Inc.; Panel Components Corp.; Pellett Petroleum Co.; Piedmont Natural Gas; Pipkin Mortuary; Praxair, Inc.; Promotional Authority; Printing-Industries of America; Quad County Ethanol; Resource Supply Management; Rhodia.

Rhom and Haas Company; Rubber Manufacturers Association; SC Chamber of Commerce; SC Forestry Association; Simkins Company; Skogman Realty; South Carolina Farm Bureau Federation; South Carolina Manufacturers Alliance; Southwest Gas Corporation; Springs Global; Steele Financial Services; Sully Cooperative Exchange; Terra Industries; The Carpet and Rug Institute; The Dow Chemical Company; The ESCO Group; The Soap and Detergent Association; The Society of the Plastics Industry, Inc.; The Timken Company; Thombert, Inc; U.S. Steel; Van Diest Supply Company; West Central Cooperative.

Ms. LANDRIEU. But I want to go back to this 9 million acres. This will not open without our bill. It may be in the plan, 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, as shown 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 well. With the right incentives 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 here that 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 proven 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 think 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 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—I have spoken about that many times—not just because of the impacts of oil and gas, which are somewhat contributory to this situation, but mostly because this mighty Mississippi River, which also serves the Nation's economy in a very significant way, has been leveed over 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 talk.

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 it 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 some buffers, obviously, 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 some of those I could read 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 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 restating his own speech on the floor of the Senate. He said, on August, 2—this is Senator LINDSEY GRAHAM, Republican from South Carolina:

> 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. But at this time] 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 of the Senate bill. 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 WARNER said:

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 maybe some of these other 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 her for her energetic 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 I am introducing today, and a big part of that comprehensive approach is the passage of the legislation the Senator from Louisiana has talked about in addition to 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 this year. Let's, if we can, 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. Let's try 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 unheard of to place a little tidbit or two in a conference report. Let's sit down and have serious negotiations and discussions with the House to try to get as much as we possibly can without walking out of here empty handed.

So I would very much 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 commend the Senator from Pennsylvania for his comments and hope more people will listen to him. He is certainly on the right track as far as this Senator is concerned.

ADVANCED TELECOMMUNICATIONS AND OPPORTUNITIES REFORM ACT

Mr. STEVENS. Mr. President, I come to the floor today to remind the Senate that the Senate Commerce Committee 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. This bill 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 equipment 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 assure 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 brandnew 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 sent 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 this. 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 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 net 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 ''placeholder laws'' could have the unintended effect of dissuading companies from investing in broadband networks.

We believe Congress would benefit from objective and unbiased 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 House 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.

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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,

2 Wire, Inc., 3M Company; AC Data Systems, Inc.; AC Photonics, Inc.; Actiontec Electronics, Inc.; Active Optical Mems, Inc.; ADC Telecommunications, Inc.; Adtran, Inc.; AFL Telecommunications LLC; Agilent Technologies, Inc.; Aktino, Inc.; Alcatel North America; Allot Communications; Amedia Networks, Inc.; Anda Networks; Anue Systems, Inc.; Applied Optoelectronics, Inc.; Argent Associates, Inc.; Arnco Corp.; Atlantic Engineering Group; Axerra Network.

BaySpec, Inc.; Berry Test Sets, Inc.; BTECH Inc.; Carlon, Lamson & Sessions; CBM of America, Inc.; Charles Industries, Ltd.; Ciena Corporation; Cisco Systems, Inc.; CoAdna Photonics, Inc.; Condux International, Inc.; Conklin-Intracom; Corning Incorporated; Communication Technology Services; Dantel, Inc.; Ditch Witch (The Charles Machine Works, Inc.); DSM Desotech Inc.; Dura-Line Corp.; Electrodata, Inc.; Ellacoya Networks, Inc.; Enhanced Telecommunications, Inc.

Entrisphere, 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, Inc.; Leapstone Systems, Inc.; Lightel Technologies, Inc.; Lucent Technologies Inc.; 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.; Nufern; OFS; Omnitron Systems Technology, Inc.; OnTrac, Inc.; Optical Zonu, Inc.; PECO II, Inc.; Preformed Line Products, Inc.; Prysmian Communications Cables and Systems USA, LLC; Qualcomm Inc.; Quanta Services, Inc.; Redback Networks Inc.; Roebbelen; Sheyenne Dakota, Inc.; Sigma Designs Inc.

SNC Manufacturing Company, Inc.; Sumitomo Electric Lightwave Corp.; Sunrise Telecom, Inc.; Suttle Apparatus Corp.; Symmetricom, Inc.; Team Alliance; Team Fishel; Telamon Corp.; Telcobuy.com, LLC; Telesync, Inc.; Tellabs, Inc.; Tyco Electronics Corp.; US Conec Ltd.; Valere Power, Inc.; Vermeer Manufacturing Company; Wave7 Optics, Inc.; White Rock Networks, Inc.; Xecom, Inc.; Xponent Potonics Inc.; Zoomy Communications, 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 that 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,

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 effective control of our border. 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 noticeable. I will cite some of the statistics to point that out.

I express support for this legislation because it provides a roadmap. It makes it very clear where we are going. It establishes principles by which the Department of Homeland Security can operate with the funding we have been providing and will provide in the future.

The essence of the legislation, as I said, is to provide more reinforced fencing, more physical barriers, roads, lighting, cameras, and sensors. The Secretary of Homeland Security obviously will determine the appropriate sequencing of when these things are constructed and the appropriate mix as to where you put the fencing, where you put the vehicle barriers, the sensors, and so forth. The bill itself, for example, recognizes that in mountainous areas, you would be exempt from providing some of the fencing. But the bottom line is to provide a combination of things which, in concert with personnel, will make it much more difficult for illegal entry into the United States. The net result will be that it will be much more difficult for smugglers and illegal aliens to gain entry into the country, it will significantly reduce crime rates in border towns, it will clearly improve the quality of life for Arizona and for the constituents I represent, and it will preserve the fragile desert lands and archeological resources which are being destroyed by the illegal pedestrian and vehicular traffic, again particularly along the area of the border between the State of Arizona and the area of Senora in northern Mexico.

Let me talk for just a moment about the environmental impact because that has been a matter of some concern to those who view this legislation as simply involving the creation of some kind of a wall. Now, let me make it clear. This is not a wall. Fencing, per se, is not a wall. In fact, part of what we would be doing here is replacing the so-called landing mat fencing, which does look like a wall, with chain link-type fencing that you can see through. There are two reasons for this. The landing mat fencing is the steel landing mats that are left over from primarily World War II that can be stood on end and welded together, embedded in concrete pilings, and represent a barrier to entry into the country. 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 can't see through it, so it represents 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, we will extend the fencing. In 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. Ordinarily they are stolen in the United States, taken across 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 number of 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 insistent 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 see groups of illegal immigrants 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 solid fencing. 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 techniques 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 documentation through hearings that have been held, through 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 Cabeza Prieta National Wildlife 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 new roads, is substantially disrupting 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 the fragile 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 wildlife.

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 compaction, and so on, 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 very carefully try to get to the vehicles 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 camouflages, 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 tapeworms 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 of a benefit than a cost 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 vehicle use, 120 human-caused wildfires.

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 result is the San Diego fence 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 illegal immigrants in the van at 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, an elderly couple in the 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, a load of illegal immigrants came crashing through, hit their vehicle, and killed them 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 United States, 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 now over 10 percent of the 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 108 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 vehicle barriers, which are important because, as I said, whenever the Border Patrol sees a vehicle, they know they have a problem because of an important value in the load. Vehicle barriers have worked in the Buenos Aires National Wildlife area, for example, where there has been a 90-percent 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 vehicle barriers, add the cameras, and 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 great 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 Budget Committee here, and the subcommittee 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 us to do 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 assets and how to sequence their construction in such a way as to eventually gain control of the border, and that should be our first goal here: to

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 be to secure the border.

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 was 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 Sectors. In fiscal year 2006, more than 161,253 illegal aliens have been apprehended in Tucson Sector, and 61,974 illegal aliens in Yuma Sector. [Source: CBP].

Illegal cross border traffic has created thousands of new trails and roads on Federal lands in southern Arizona. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002).

Since 2002, 180 miles of illegal roads have been created in the Cabeza Prieta National Wildlife Refuge alone. Brian P. Segee, On the Line: The Impacts of Immigration Policy of Wildlife and Habitat in the Arizona Borderlands, Defenders of Wildlife Report 20 (2006).

Illegal roads divert the normal flow of water and rob the native plant cover of the moisture it depends on to survive. Kathleen Ingley, Ghost Highways, Arizona Republic, May 15, 2005.

The proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts or prohibits re-vegetation, disturbs wildlife and their cover and travel routes, causes soil compaction and erosion [and] impacts stream bank stability. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002).

Tons of trash and high concentrations of human waste are left behind by undocumented aliens. This impacts wildlife, vegetation and water quality in the uplands, in washes and along rivers and streams. This also detracts from scenic qualities and can affect human and animal health from spread of bacteria and disease. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 3 (2002). Trash is also ingested by wildlife and livestock, sometimes resulting in illness and death. Id. at 20.

In the early 1990s, over 300 wildfires caused by campfires of illegal immigrants posed a significant threat to human safety and wild lands along the border, as well as increased impacts to soils, vegetation, cultural sites, and other sensitive resources. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 2 (2006) (statement of Steve Borchard, Dept. of the Interior).

Vehicles used by drug and human traffickers are often damaged, resulting in fluid spills (gasoline, motor oil, radiator fluid, etc.) and spreading hazardous debris (glass, torn sheet metal, etc.) that harm the environment. Abandoned vehicles are often left in place and the burden of removing them falls on Federal law enforcement officials. If the vehicles are not removed quickly, they are often set afire by vandals, creating an even larger safety and environmental concern. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 4 (2006) (statement of Steve Borchard, Dept. of the Interior).

After blazing destructive paths through the desert, large numbers of vehicles are abandoned by smugglers and illegal aliens. These vehicles emit pollutants, like gasoline, oils, antifreeze, and lead, which often soak into the ground and can reach water sources. Further, removal often causes additional damage as tow trucks are forced to navigate previously unspoiled terrain to access the abandoned vehicles. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 17–18 (2002).

Illegal aliens trample the native vegetation in riparian areas in an effort to get water and uproot native plants like ocotillo cactus to build temporary shelters or to camouflage drug stashes. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 15 (2002).

When illegal aliens fill water bottles in wetland locations they can infect these protected Federal wetlands with invasive parasites and diseases which can doom native fish and wildlife. New tapeworms and funguses have already impacted populations of endangered fish and frogs. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 23 (2002).

Illegal aliens transport in seeds from invasive plant species. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at 23 (2002). And since the vehicles on the road have churned up the soil and diverted the water flow, these new plants can take root. Kathleen Ingley, Ghost Highways, Arizona Republic, May 15, 2005.

The Coronado National Forest experienced the following environmental degradation 1996–2001: 298 abandoned motor vehicles; 300 miles of significant damage to natural resources caused by off-road vehicle use; and 112 human-caused wildfires. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, 107th Cong., 2d Sess. at F–5 (2002).

The construction of the San Diego fence has resulted in the return of protected species that have not been reported in the area for many years. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 1 (2006) (statement of Chris Ingram, Gulf South Research Corporation).

Due to the close proximity of the border to a number of major highways, illegal immigrant and drug trafficking is often intense. If smugglers manage to reach the road, they often resort to excessive speed, driving without lights, or driving down the wrong side of the road to escape law enforcement officers, resulting in accidents, injuries, and death. Border Security on Federal Lands: What Can be Done to Mitigate Impacts Along the Southwestern Border: Hearing Before the H. Comm. on Resources, 109th Cong., 2d Sess. at 4 (2006) (statement of Steve Borchard, Dept. of the Interior).

Much of the existing pedestrian barriers consist of unsightly ''landing mat'' wall structures that are operationally unsound, as Border Patrol Agents cannot see through them to monitor developing events on the Mexican side, and are more vulnerable to being struck with rocks that they cannot see coming. The landing mat fences are so aged and damaged that they cannot easily be repaired, and when corrugated, can have doors cut into them that are difficult to detect. Vehicle barriers will help stop ingress of armed human and drug traffickers, and end mistaken incursions by Mexican military units into U.S. territory. [Source: CBP].

Vehicle barriers significantly reduce illegal vehicle traffic. Since installation, the Buenos Aires National Wildlife Refuge has seen a 90 percent reduction in vehicle traffic in some areas, and the Organ Pipe Cactus National Monument has seen an estimated 95 percent reduction in vehicle traffic. Corinne Purtill, New Fences Protecting Fragile Areas on Border, The Arizona Republic, August 26, 2006 (verified by Customs and Border Protection Sept. 19, 2006).

In 1992, the Border Patrol apprehended 565,581 illegal immigrants 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, which was just 10 percent of the total number interdicted by the Border Patrol. (Source: Office of Legislative Affairs, U.S. Customs and Border Protection).

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. 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 clear 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 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 issue which has become a real epidemic in my State like it has in many other places. In fact, methamphetamine arrests were up 45 percent last year in Sioux Falls, which is

our biggest city. There is what is known as the I–29 corridor, from Sioux City to Sioux Falls, beyond to South Dakota, and up into North Dakota. It has become afflicted with the methamphetamine crisis.

As I met with them, one of the things that became very clear is that much of what is driving the methamphetamine scourge in our area of the country is people who have come here illegally. It is illegal immigrants who come in and set up these distribution systems in this country, and they are targeting the Indian reservations. There have been a number of stories about how the methamphetamine—if you want to call them cartels or whatever—have looked for places in the United States where they have wide open space, which we have on our reservations in South Dakota and we do not have sufficient law enforcement to necessarily keep up with some of those problems. They are targeting Indian reservations.

I talked to one law enforcement individual from one of the reservations who said they had just sent back somebody who had come into this country, broken the law on the reservation, for the ninth time. That is how easy it has become to get in and out of this country illegally. That is why it is important this issue be addressed.

I understand there are differences of opinion in the Senate about how to address this; whether or not we ought to have a comprehensive approach or how we deal with those who are already here illegally. I think those are all points of debate and issues we need to continue to discuss and resolve. But we have to start fundamentally with stopping the problem now. The people of this country expect us to act. It is a matter of national security.

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 appreciate 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 let'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 on the President's desk 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 person 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 debate, and that is securing the 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 here illegally 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 agreement. We can address the other issues in due time, but right now, in the time we have left 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 of American 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. They want 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, other countries that have 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 SALAZAR and I 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's 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 why some of these holds are being placed 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 strikes at the very 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, again, 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 E85 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. What this ad says is that there are 9 million alternative fuel autos 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—they are 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 this 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.

There are 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 an E85 pump, they can get 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 $40,000 and $200,000.

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. I have had 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 estimate, there are 850 refueling stations. 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 Democrat 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.

EQUAL 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 headlined ''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 of us.

We have made great strides over the years. We have taken steps to get closer to that goal of equality and justice

for all. As I have often said, we can obviously make it better.

But an important part of that fight—which I think is illustrated in the Washington Post—is keeping vigilant. We must continue to stay vigilant to promote equal opportunity for all Americans, not just Asian-Americans. Each of the groups in these charts faces different barriers, different challenges. And although we have made great progress in the opportunities for all Americans, we cannot become complacent and assume that there is no work left to be done.

The fight for equal opportunity is a fight we must not allow to lag.

I hope my colleagues will consider the important information that is presented here today and maybe take the opportunity to look at it.

I ask unanimous consent to have the Washington Post item printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

America's Core Value: Equal Opportunity

What makes America great also enhances competitiveness.

Asian Americans yearn to make greater contributions to our country.

However, today, Asian Americans have the least opportunity to enter management and the slowest rate of progress towards equal employment opportunity, despite having the highest educational attainment.

As the world's economic and geopolitical centers shift, can our nation afford to waste some of her best human resources?

[Chart 1]

[Chart 2]

Research Shows

A. Asian Americans have the lowest odds of getting into management in private industries, universities and the Federal government. 2.1 million Asian Americans work in the three sectors (see Chart 1). Data come from government sources and the methodology from the Equal Employment Opportunity Commission.

B. Should Asian Americans be more patient? The rate of progress from 1996 to 2001 for all workers in Chart 1 was studied. Although Asian Americans are twice the distance from equal opportunity (the blue dashed line) compared with Hispanics and women, Asian Americans' rate of progress is only half that of the latter groups. At the current rate, equal opportunity will not be reached by Asian Americans in another 75 years or three more generations.

C. Asian Americans face these realities of low odds and a three-generation waiting period despite having the highest educational attainment, according to data from US Census 2000 (see Chart 2). Educational attainments have come to all from deep sacrifices of parents and sheer diligence by their children.

Mr. CARPER. I thank the Chair.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

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 program, to say the least. 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 sensible insurance 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 when they most need the coverage.

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 seniors to come up with their the 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 dire circumstances. These are the circumstances in which seniors will find themselves unless we do something to fix this problem because 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 trips seniors into 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 hope we don't have to use any 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 keep 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 the benefit was 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 suit them best. Moreover, a recent General Accounting Office report finds an alarming number of private Part D plans are providing inaccurate or incomplete information to Medicare beneficiaries about the coverage and benefits provided under the various plans.

No doubt, there are some people who have benefited from this new program, but for too many Part D enrollees with complex medical conditions, the benefit has largely been a source of great confusion and concern. We could have done it differently. We could have done it more simply. We could have done it more efficiently.

Many of the problems we are seeing today could have been averted if the

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. It seems only fair to me. We are making seniors pay premiums, yet they do not qualify for the benefit. If they don't qualify for the benefit, let's absolve them of the premiums until they do, once again, qualify for the coverage.

There is another aspect of the doughnut hole that needs to be addressed. That is the fact that expenditures by other drug subsidiary programs do not count against beneficiaries' true out-of-pocket costs—this is an acronym, TrOOP: 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, perhaps, 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, qualify 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 ease the burden of Medicare beneficiaries in the doughnut hole, serious structural problems of the program must also be addressed.

''D'' also stands for—besides ''doughnut hole,'' ''dire 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 woefully 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 Republican Congress that 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 harnessing 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 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 type 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 in 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 estimate 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 large benefit to 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.

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 passage of Part D, these 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 allowing them to dictate prices for millions of elderly and disabled Medicare beneficiaries is a bad deal for the Federal Government and a bad deal for the American public.

These are just some of problems with Medicare Part D that must be addressed.

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, which 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 $1,200 just for these premiums alone.

This is another example of the growing squeeze, economically, on middle-income Americans. When you look at working 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 falling income and increasing prices. It is this vice 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 substantive 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's 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. VITTER). 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 going forward.

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 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 superiors in that instance told the auditor not to pursue a collection of the oil company's underpayments. So the auditor 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 the money that oil companies 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 just had a bad experience and they are angry at this point. But when you have a number of cases—a number of cases brought by nonpolitical professional people, people who are putting themselves at risk by bringing this out—that 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 about 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 royalty payments 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 these royalties 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 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 is there no effort to support them, but they end up getting rolled when they try 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 prices were 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 1998 and 1999 failed to include the price 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 and the taxpayers $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 could perhaps soar to as much as $80 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 oil 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 sure the taxpayers don't get ripped off. We have heard that 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 the problems 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 1998 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 step in now 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 were some in the Senate who 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 scenario'' play out before. 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 had been able to water down 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 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 the inspector general has called ''indefensible'' 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 seatmate, the distinguished Senator from Louisiana, Ms. LANDRIEU, has sure 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 make a case for starting 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 nonpolitical, who are 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 both sides of the aisle, 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 better fences 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 problems, 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 ad campaigns, but as 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 first 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 the 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 starting today. And we owe it to all those immigrants who have come to this country with nothing more than a willingness to work and a hope for a better life. Like so many of our own parents and grandparents, they have shown the courage to leave their homes and seek out a new destiny of their own making. The least we can do is show the courage to help them make that destiny a reality in a way that is safe, legal, and achievable. So when we actually start debating this bill, I hope the majority leader will permit consideration of a wide range of amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to speak on the pending legislation, the Secure Fence Act of 2006. I want to address this issue. I have worked on the immigration issue all this year. It has been a very difficult issue. It has been a very difficult discussion. It has been one that has involved a great deal of the time of this body.

I serve on the Senate Judiciary Committee. We worked a long time to try to come up with some form of comprehensive legislation that we put forward. It was far from perfect, even as it was passed. Before it passed, people were questioning this provision and that provision. You look back on it and say: Well, I think that is a good question, and I think that is a good point, and it is something we need to deal with in conference to be able to address those concerns and topics.

I think we could have come out with a good conference bill, but the volatility of the subject, the lateness in the session, the closeness to the elections really has just not made it possible for us to move forward on comprehensive immigration reform, as the President has requested, as most people in the country look at it and believe in some form we need to deal with immigration in a broad fashion.

Yet almost everybody 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 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 across the United States, 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—in the secure fence area; and I do support this legislation—is that we can deal with the precursors that a number of people have identified, saying, first, we really need to secure the border and show the country we are serious about securing the border. 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, that the first thing you would 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 fruit from their efforts. We are stepping up and doing this now.

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 you could do first, and then you could deal with a future flow guest worker program that would take you several years to implement. And you could deal with those who are here and in an undocumented status? That would take some period of time to deal with as well.

We are not going to be able to, this legislative session, get that broad piece of legislation through. Yet I think this shows to people in the country deeply concerned about our border—as I am, as we all are in the Congress and in this country—is that we are serious about dealing with this issue. And I think there will still remain the political impetus to deal with this on a broad-scale basis, but first we step up and do first things first and we secure the border and we show to the country we are, indeed, serious about securing the border, and we are doing everything we can to secure the border.

It will not permanently seal the border. This effort, the Secure Fence Act of 2006, will not achieve that. It is going to be very difficult to completely secure the border, but this bill will take a strong step forward for us.

I also say to my colleagues who believe we should just do enforcement or we should do enforcement first, that we then, in the future, need to take the next steps necessary to deal with this in a comprehensive fashion.

I think it is going to be very important that, OK, yes, we do this, and we move this forward, but then we need to move forward with the rest of it. What do we do with those who are here in an

undocumented status? How do we do more on interior enforcement at work sites? What do we do on a guest worker future flow program? So that we will deal with this in a totality, so that as to those who are concerned we are just going to do this and not deal with the rest of the system, we can say: No, part of what we are talking about and doing is securing the border first. We do that we are going to hold true to what we said. Yes, we do that. And, then, let's talk about how we can move forward in the comprehensive fashion because that is the way—and the only way—I think you actually deal in some sort of long-term fashion with the very real problems we are facing and that really a number of countries around the world are facing—certainly the Europeans are facing—in a major fashion.

It seems to me that one of the things that happened after the fall of the Berlin Wall, in particular—some time before but certainly after—was people started moving to opportunity. They started moving to where they felt they could have a better life for themselves and their families. It is certainly an impetus I recognize, and it is hard to fault people for that. You want it to be conducted in a legal fashion and to see that national sovereignty rules are obeyed.

People in this country who talk about security first, when they talk with me about that, they are not against immigration. They want it to be legal. They want the system to be a legal system, and then we can work with it. But they don't want an illegal system that has devolved or, as we have seen, broken down in this country.

I think this is an important first step forward for us in dealing with this problem in a comprehensive fashion. It is not what a number of us had worked for in getting a comprehensive bill. I think it is the first step in us getting comprehensive legislation moving forward and convincing the country that we are serious about securing the borders so that we can do comprehensive reform of an immigration system that is so desperately needed.

Mr. President, I have worked a long time and for a number of years on human rights issues and dignity of the individual, and I believe fundamentally in my bones about this. I believe it is important and it is a big statement, what a country does in taking care of the least of us, including the widows and orphans. In those statements, it also says that the foreign are amongst you, citing those who are in a difficult situation. They are in a hard situation. We need to help them and work with them in any way we can. We need to be able to craft a legal solution to do that. I think it is important. It is also a statement of the nature of our society and our Nation that we do that. We need to reach out to those in the most difficult circumstances in this country. This is a step forward, but it is not and cannot be the final step.

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 stop here 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 dealing with the rest of it. 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.

The assistant legislative clerk proceeded to 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 SEAN 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 her ''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 them for that period of time. 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 granddaughter and to say good-bye 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 for which he was responsible was in the right order. That is simply the kind of man he was. Betty and Ken woke up very early and stayed up very late to spend as much time with him as possible. Sean found it difficult to leave his family again, and as 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 posts lined the processional route. Others wishing to pay their respects gathered in freezing temperatures to wave American flags, and nearly 400 people crowded into St. Patrick Catholic Church to celebrate Sean's life. County flags were flown 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.

MARINE CORPORAL BRAD SQUIRES

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 assigned to Marine Forces Reserve's 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, Cassidy, and Alexis. 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 was always looking 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."

Katie Gorton remembers Brad's wonderful personality. She made the following comments after attending his wake:

> Brad certainly is a "hometown hero," but more importantly, an American Hero . . . all of us there that night looked at pictures and remembered his mischievous grin, his contagious laugh, and his charismatic personality. We were able to remember Brad the friend, Brad the cousin, Brad the funny guy from math class, Brad the guy the underclass girls had a crush on, Brad the son, etc. . . . and for some of us, it was the first chance we had to meet and remember another side of him . . . Brad the Marine. I'd like to think that he knows how many lives he's touched now, and is able to be with us all now through miracles.

Brad had a strong sense of duty to family and friends from childhood, always wanting to help protect others from harm. As a young boy, he knew the difference between right and wrong. Middleburg Heights' mayor recalls what must have been a very special day for the young Brad. "I probably handed Brad Squires his safety town certificate when he was five," he said. And Jessica Sutherland of Lakewood remembered a time when Brad rescued her from the bullying of a bigger boy. According to Jessica, for years afterwards Brad would blush when she thanked him for the day. She writes:

> For that small good deed, he's always been a hero to me, so I'm not surprised he died a hero . . . God bless Brad Squires.

Kelli Kusky echoed these remarks about Brad's selfless nature. She said:

> . . . He was always helping people; I remember the time that his neighbor had a heart attack and Brad kicked in his air conditioner and saved the man's life. He made no big deal out of it, just said that he knew what he had to do. And I know that Brad did what he knew he had to do in Iraq. I don't think he would of had it any other way . . . He meant A LOT to a lot of people and left long lasting impressions on everyone that he met!

Clearly Brad was a hero to many throughout his life. And he did indeed love his Marine Corps. According to his wife, Julie, "Brad loved his Marine Corps and would jump at a chance to tell everyone about it." Nate Ickes of Akron also commented on Brad's military service. He said:

> My thoughts and prayers go out to everyone that knew and loved Corporal Brad Squires. I am so proud to have served with him and he will be missed very much. Brad had a way to make everyone laugh, even if there was nothing to laugh about. He was a fine Marine that any one of us from Weapons Company would have been honored to work with. Brad was a man who would never let you down, nor would he stop until the job was done! Corporal Brad Squires will be forever missed but never forgotten. Brad will always be a brother, friend and Marine of Weapons Company 3/25. . . .

Brad deeply 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 return to 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 Brad is a 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 with 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 Chad and Jodie have started 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 experienced life together, through 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 us and give us all strength. Until 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 State is an agricultural State. 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 so much more. Agriculture contributes almost $4 billion to New York's economy. More than 1.2 million people work on farms or in farm-related jobs.

But farmers in New York who are contributing so much to our economy and way of life—in a plight shared by the agricultural industry across the country—face an incredible challenge to maintain a workforce that does the difficult job of harvesting crops and bringing our State's bounty to the marketplace.

That is why I continue to fight for a solution. And as we consider the Craig and Feinstein amendments, I hope we can keep these farmers—many of whom I have met and worked closely with these past 6 years—in our focus and put the politics and partisanship aside. There are those in this Chamber who have strong disagreements over how to pursue comprehensive immigration reform. But I hope that these proposals to stand by our family farmers and agricultural industry, both struggling to find labor, are not held hostage to the larger debate.

Our farmers have long desired a legal, stable workforce and have been calling for reform. But now they face the prospect of crops dying in the field or on the vine—or worse, their farms going out of business because of a shortage of workers. We have had 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 midst of the harvest season in New York State, and the 36,000 farm families face the real risk—this year—of

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 in the fields. 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 Customs Enforcement, and 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, and enforcement has been inadequate and haphazard at best. We know this because we have been debating reforms for months, some of us for years. These increases in enforcement have left our farmers reeling. Day to day, they do not know whether their labor force will show up for work, whether their workers have been apprehended by Immigration and Custom Enforcement or whether they have simply fled the area out of fear of apprehension. Whatever the cause, the result is our farms are being paralyzed.

It is worth noting that the farmers I have spoken with are trying in good faith to obey the law. They get labor referrals from the New York State Department of Labor. They inspect work documents to ensure that they have a legal workforce. Our farmers are on the losing end of a broken system, and it is up to us to fix it.

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 a workforce.

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 organizations, 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, yes or no. 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 this Senate, and so little time left 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 we passed in May.

I say this as one of many who followed the leadership of Senators FRIST 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 a festering national problem and replacing it with an incomplete, ineffective response to our broken 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 roil 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—contradicting 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.

As the ranking Democrat on the Homeland Security and Governmental Affairs Committee, I am more focused on protecting Americans from harm than I am on any other issue. Effective border security is a vital national priority—not just to stop the flow of illegal immigration into this country, but also to keep terrorists and criminals from entering the U.S. through our airports and seaports, and across our land borders. We will continue to push for better border security, but this is not the way to do it.

The money spent on this bill could be used in much more effective ways to bolster our borders and strengthen our security. In fact, Congress has already significantly expanded funding for border security—for Border Patrol officers, detention beds, and new equipment and technology.

This year the Senate already provided the Department with funds to build sections of fence where it makes a difference—in heavily populated areas. But an additional few hundred miles of fence along small portions of our vast desert border will do virtually nothing to stop illegal immigration.

Building a few more sections of fence and saying we have solved the problem of illegal immigration doesn't make sense.

The President said it himself in a speech days before the Senate passed its immigration bill in May.

He said:

> An immigration reform bill needs to be comprehensive, because all elements ofthis problem must be addressed together, or none of them will be solved at all.

That is what the Senate did. And we are on the verge of losing this historic opportunity to address this border challenge the American people expect us to fix.

Let's remind ourselves of what is contained in the Senate's immigration bill—and let's be proud of our work.

The Senate legislation authorized extensive enhancements of border security and immigration enforcement—many more Border Patrol officers, immigration agents, detention beds, new technologies, and new legal authorities.

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 would not 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 approximately 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 wisely 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 lawabiding.

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 betwee 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 finally has. But the House has shirked its responsibilities with its enforcement-only focus.

Now, instead of doing our constitutional duty and hammering out our differences, cogressional 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 must do 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. DURBIN. 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. DURBIN. 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 a much longer 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 tuff 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 most of these people, 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 isn't just a matter of stopping them 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 tripled-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 scepticism about the fence, my belief was that this moves us forward. If this fence moves us forward in the debate about comprehensive immigration, I am going to join in that effort even though I start with scepticism 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, they came up 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 been 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 finance our enemies and terrorism?

This is not really about immigration. It is about something else. This is about an effort by the Republican leadership to find just the right issue for an election that is just a few weeks away.

This morning, the New York Times tells us that the American people, when asked, have a new low opinion of Congress. It has been 12 years or more since so few people had a positive view of their Congress. This morning, they reported that 25 percent of the American people have positive feelings about the Congress. When asked why, they said Congress is dominated by special interests; it is dominated by an agenda that has no importance to the lives of most American people; and it seems like all they are doing is political posturing for the next campaign.

Many of those criticisms are sadly true.

This bill has been tied up for the last week and fits right into the category of political posturing.

The earlier immigration bill of the Republican-controlled House of Representatives, which would have made felons out of many hard-working people and would also have made felons out of many nurses and social workers and clergymen who were trying to help those who are here undocumented—that bill has been abandoned. Now they are trying to find a new bill, a new wedge issue for the November 7 election.

I believe we need stronger enforcement, but we need to be smart in the way we do it.

Let me give you some numbers which will give you an indication of what a smart approach might include.

In the last decade, we have doubled the number of Border Patrol agents that are at our southern border and other borders where people might cross, and they have spent eight times as many hours patrolling the border in the last 10 years and an 800-percent increase in the manhours spent patrolling our borders.

During the same period of time that this dramatic 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, ''Some believe 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? That is what 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 good 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 will offer as an amendment to this 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 me and 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 honor roll 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 the best, young people who have done nothing wrong in their lives, good moral character, finished high school, who then enlist in our military for at least 2 years or pursue a college education. That gives them the chance to earn their way toward citizenship. This offers no incentive for undocumented immigrants to enter the country and requires the beneficiaries to have been in the country for at least 5 years when the bill is signed.

It would repeal a provision of Federal law that prevents individual States from granting instate tuition rates to these students. It would not create any new tuition breaks. It would not force

States to offer instate 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 a good thing 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 more in her or 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 underestimate the significance of these young people as a national security asset.

The Department of Defense has shown increased interest in this bill, understanding that there is a talent pool of these young people who 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 held a 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. They include many who have participated in high school Junior ROTC programs. Under current law, these people are not eligible to enlist in the military. If their parents are undocumented 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 last point I make is this: We are asked regularly here to expand something called an H–1B visa. An H–1B visa is a special visa given to foreigners 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—there are specialties which we need more of.

I can recall Bill Gates coming to meet me in my office. Of course, his success at Microsoft is legendary. He talked about the need for computer engineers and how we had to import these engineers from foreign countries to meet the need in the United States. He challenged me. He said: If you will not allow me to bring the computer engineers in, I may have to move my production offshore, and I don't want to do that.

That is an interesting dilemma. Now put it in the context of this conversation. Why would we tell these young people, who have beaten the odds and shown such great potential, to leave America at this moment and then turn around in the next breath and say we are going to open the gates of America for other foreigners to come in and make our economy stronger? Why aren't we using these young people as a resource for our future? They have been here. They have lived here for a long period of time. They understand America. They are acculturated to America, and they want to make America better.

Instead of looking overseas at how we can lure more people in to strengthen our economy, we need only look right here at home. As Mr. Chu, from the Department of Defense, said there are 50,000 to 65,000 of these students each year. Why would we give up on them when they can be not only tomorrow's soldiers, marines, sailors, and airmen, but they can be tomorrow's doctors, scientists, and engineers?

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?

We can do something. 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 PRESIDING OFFICER. The Senate will now proceed to the consideration of 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

period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 this Nation. I am 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 Judge DeAnda, 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 Hernández 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 essentially barred 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 major legal 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 alone, 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 at Texas A&M University to join the Marines during 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 Hispanics admitted.

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 Cisneros 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 the country. In my own State, 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 in this country through his thorough representation and fair consideration of those who came before his court. I find his own words to be the most telling. He is said to have told a group of law school students once, ''You will find law to be a most satisfying career because of the service you can give your fellow man. I know of no other endeavor in which you can bring about healthy change and make a decent living. You can live well and do good.''

Judge DeAnda certainly did good and we are grateful to him for his service.

Mr. REID. We are truly indebted to Judge DeAnda. Indeed, it is only fitting that as our Nation begins a month-long celebration of Hispanic contributions to America during Hispanic Heritage Month, we take this time to acknowledge Judge DeAnda. We are deeply saddened by his passing but are also inspired by his example as we carry on the struggle to ensure equity for all Americans. His life-long dedication to the protection of Americans has made him an icon in the legal profession and a pioneer of the American civil rights movement.

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 KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On 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, McHenry was attacked and stabbed by McCauley. According to police, the motivation for the attack was the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HATE CRIME

Ms. CANTWELL. Mr. President, the Jewish New Year is a time for celebration, prayer, 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.

Rosh Hashanah brings new beginnings 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 threatened by an act of senseless violence and hate this summer in Seattle. We cannot give in to that hate.

During these days of repentance and renewal, I share a commitment to ending violence and to living with one another in peace both around the world and here in our own communities.

Yet we are still shocked and saddened by the pain and loss of July 28,

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 are stunned. 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, both as a national community and as individuals, to recognize the brutality of this crime and to respond to this terrible event. And we must do more to demonstrate that the only kind of intolerance Americans will abide is an intolerance for short-term answers and shortsighted conclusions.

Pamela Waechter, who was killed in July, set an example for us all through her involvement in the Seattle community. She moved to Seattle in 1979. 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 fundraising. 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 U.S. 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 tactician, 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, as chairman of the Senate 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 in winning 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 for inspiration, and it will remind visitors of his many contributions to our Nation's history. Bob Dole will 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 senior Senator from North Carolina, ELIZABETH HANFORD 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 leader 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 words to all who would follow. He said, ''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 grace.''

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. It was a 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. Ardently, he fought for a better life 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 that I could learn a lot 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 simple 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 couldn't, we would say so candidly. And always we'd let the Senate decide.

For six years, we lived by those rules. There were many difficult issues, some tense times, we disagreed often on substance and on process, but we never let a harsh word pass between us, in public or in private. And that is true to this day. Never in our lifetimes has a harsh word passed betweert us. We believed in and we trusted each other. All

of this was possible because of Bob Dole's essential 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 more experienced, more knowledgeable, more savvy than I was, so it would not have been unreasonable for him to spurn my offer of cooperation. But he didn't. Not because of me but because of who he was and is.

Born and raised in Russell, Kansas, he acquired 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 fire of the second World War. In the most direct and unforgettable 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 forever 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, his ability to defuse tension 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.

[laughter]

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 legislation. We usually met in my office or his. 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 to 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 our—today is our second reuniting in recent years. And when I got there, I couldn't help notice that while I was tucked away in a tiny office near the attic—[laughter]—he had literally a whole floor for himself and his huge entourage. And I was really bothered when I learned that he had brought along to the law firm his 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 remarkable American. Bob Dole is to me a colleague, a mentor, and most importantly a friend. Congratulations, Bob. It's a pleasure to be reunited with you again, as we both hang on the wall of this great institution—hidden away in the lobby, where no one will be able to see us—an institution which means so much to both of us and to which you devoted so much of your life.

And speaking of colleagues and friends, it's now my pleasure to introduce Senator Warren Rudman of New Hampshire. Warren, Bob and I served together in the Senate and Warren and I have worked together in several capacities since then. We served on a committee, and after exposure to Senator Rudman for a couple of months, one member of the committee said that Senator Rudman pears to have reached the age at which he's willing to say anything, regardless of the consequences.

[laughter]

I replied that actually Senator Rudman reached that point at the age of nine and the rest of us had been dealing with the consequences ever since.

[laughter]

Senator Rudman?

[applause]

Mr. RUDMAN: Thank You, George. Bob, Elizabeth, and Robin, colleagues, friends and family of Bob Dole, when I was preparing for today, I thought about Bob Dole's extraordinary record in the Senate and thought of speaking about his many accomplishments. But they are a matter of record with which all of you are very familiar.

For me, when I think of my years of friendship with Bob, there are two endearing qualities that are always uppermost in my mind. First, I will forever marvel at the self-deprecating wit of this great American from the heartland. Second, I have deeply admired his dedication to the principles and values of this great country. What better way to share with you my thoughts than to do so in Bob Dole's own words?

Thus, let me read to you two excerpts from his wonderful memoir, ''One Soldier's Story.'' First, his wonderful wit, in this case, given at a most solemn occasion at one of our country's most important places.

Here are Bob's words. ''Maintaining a healthy sense of humor is a key to overcoming any setback in life, even when your setbacks are extremely public. In my speech at the White House after accepting the Presidential Medal of Freedom from President Clinton just a few months after I lost the election to him, I began as though taking the oath of office. 'I, Robert J. Dole . . .' I paused as the august crowd of political leaders and members of the press immediately caught on and roared in laughter. '. . . do solemnly swear. . .' I continued, without breaking a smile to gales of laughter. I looked up as though surprised. 'Sorry, wrong speech.' The crowd roared again. 'But I had a dream. . .' The audience chuckled at my allusion to Martin Luther King Jr. '. . .that I would be here this historic week receiving something from the President. But I thought it would be the front door key to the White House.' I looked over and the President himself was doubled over with laughter.'' And for those of you that missed that occasion, it truly was a remarkable display of Bob Dole's humor.

Secondly, his devotion to the principles and values that George Mitchell referred to that Bob Dole holds so dear. Again, in Bob's own words. ''Nearly 60 years ago, after I headed up Hill 913, I concluded my speech at the dedication ceremony of the National World War II Memorial by saying: 'It is only fitting that when this memorial was opened to the public, the very first visitors were schoolchildren. For them, our war is ancient history and those who fought it are slightly ancient themselves. Yet in the end, they are the ones for whom we built this shrine and to whom we now hand the baton in the unending relay of human possibility. Certainly the heroes represented by the 4,000 gold stars of the Freedom Wall need no monument to commemorate their sacrifice. They are known to God and to their fellow soldiers, who will mourn their passing until the day of our own. In their name, we dedicate this place of meditation, and it is in their memory that I ask you to stand, if possible, and join me in a moment of silent tribute to remind us all that sometime in our life we have or may be called upon to make a sacrifice for our country to preserve liberty and freedom.' ''

Bob, it was an extraordinary privilege to work with you in the Senate and I'm deeply honored to have had this opportunity to be with you and to speak in your behalf today.

[applause]

Now I'm pleased to introduce a longtime friend and senior staff member of Bob Dole's, Rod DeArment.

[applause]

Mr. DeARMENT: Good afternoon. Shortly after I joined the Senate Finance Committee staff, where I started working for Senator Dole, he asked me to travel with him on a series of speeches on the subject of the crude oil windfall profit tax. My job was to explain the mechanics of the—of the tax. And at the first event, as Senator Dole gave introductory remarks and I launched into a review of the structure of the tax, complete with charts and a pointer. Midway through my presentation, Senator Dole slipped a note on to the podium, and I glanced down as I was speaking and—and thought it said, ''more detail.'' So I dug in and I gave a more thorough explanation of the base prices, tertiary wells, stripper well, et cetera. When I sat down and I looked more closely at the note, I realized it said, ''move faster.''

[laughter]

Well, in time, I learned brevity and to read Senator Dole's handwriting better.

As I contemplated this unveiling today, I thought about all the qualities Senator Dole has that are nearly impossible for an artist to fully capture, no matter how skillful the artist is. For example, how can an artist truly reflect Senator Dole's warm friendliness that was evident to all the staff around this Capitol, from the guards at the door he greeted each morning, to the cloakroom team, to the restaurant workers, to the staffers—some of whom are here—that sat 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. Much of his humor was self-deprecating, as Senator Rudman indicated. Hundreds of times he told the story of his life about how he planned to study medicine. He went away to the war, suffered a 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 Finance Committee. It's also hard to capture his boundless energy. He seemed to revel in early morning breakfasts and late-night sessions. As we approach this August recess, I recall how many august recesses Senator Dole threatened to cancel if we didn't finish a particular bill. Nearly every august recess there was that threat.

Finally, how can an artist capture Senator Dole's perseverance, tenacity and spirit? He never seemed to give up on bills he thought worthwhile. He just kept working. When a bill got hung up, his instruction always was, ''work it out.''

[laughter]

TEFRA in 1982 was a tribute to both Senator Dole's legislative skill and his never-say-die tenacity. Now, before I get another note from the Senator about moving faster, I would like to introduce the subject today of this grand portrait, Senator Dole.

[applause]

Mr. DOLE: Thank You.

[applause]

Mr. DOLE: Thank You.

[applause]

Mr. DOLE: Thank You. Well, first I want to thank everybody for being here and particularly Senator Frist and Senator Reid, Senator Rudman, Senator Mitchell, my good friend Rod. And it's—you know, as Barbara Mikulski said as she walked by, ''I wouldn't miss this hanging for the world.''

[laughter]

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'm to be hung in the Senate lobby—out of sight from the public but not far from where distinguished Members have been known to lie down and take a nap.

[laughter]

So if nothing else, I'll be there to disturb your sleep.

[laughter]

I also 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. Kinstler 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 to those outside its ranks. 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 better 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 and Hubert Humphrey and Barry Goldwater and Pat Moynihan, for starters. Each of them a patriot before he was a partisan.

But the Senate family is hardly limited to Senators. Rod, who just spoke, and Sheila Burke and Bob Lighthizer and Joyce McCluney, thank you for uncovering me today and for covering for me over the years.

[laughter]

You serve as stand-ins for hundreds of other dedicated staff members—many of whom are with us today—who made me look better than any artist could. Some of you greeted constituents or wrote press releases. Others crafted legislation or chased down missing Social Security checks or made certain that the voice of ordinary Kansans was heard in this capital city. Whatever you did, each of you has a place in the Senate's history and always a place in my heart.

When I left this building ten years ago, I said it was up to the electorate to decide my future address. And in their wisdom, they decided they'd rather see me in commercials than in the Oval Office.

[laughter]

And I have discovered that there is, indeed, life after the Senate.

If not like that other Senator.

So my final acknowledgment is to those to whom I owe my greatest debt: to the people of Kansas who came to my aid many, many times when I needed it and did it for many—more than 35 years. You honored me with your confidence and you entrusted me with your interests and ideals. And after today, thanks to the kindness of my colleagues, part of me will forever be joined in this—to this institution. But the greater part will be at home on the Kansas prairie, from which I draw whatever strengt of character I brought to these halls.

So again, I thank you very much for being here. And may God Bless the United States Senate, and God Bless America. Thank you.

[applause]

Mr. REID: We've all heard people, including Senator Dole, say funny things about him. But everyone in this room should understand and acknowledge that we have a rare opportunity today to stand in the presence of a great man, a man who has changed the history of this country. Think about him.

He came from Kansas, went to fight in the war, was grievously wounded in that war. Spent not days, not weeks, not months, but years in a hospital with Senator Inouye—the same hospital—trying to make a new life out of a life that had been changed dramatically as a result of the physical damage to their bodies as a result of that war. Fought back. Decided he'd enter government and has done that to the betterment of us all.

Bob Dole, candidate for President. Bob Dole, Member of the United States Senate. Bob Dole, Majority Leader of the United States Senate. And he's done it with such grace and humor.

I've learned a number of things from Senator Dole. I've learned that you should try to be funny. But no one can be humorous like Senator Dole. I asked my staff, I said, ''find some things that he said were funny.'' And there were volumes of stuff. But none of them seemed very funny reading them because it's his delivery. It's his delivery.

He said, ''as long as there's only three or four senators on the floor, the country's in good shape. It's only when you have 50 or 60 of them on the floor you have to be concerned.''

[laughter]

On seniority—he invented this. It's been used by many. ''I used to think that seniority was a terrible thing when I didn't have any.''

[laughter]

After his 1996 campaign: ''Elizabeth's back at the Red Cross and I'm walking the dog.''

[laughter]

And again after that same campaign, he said, ''at least Elizabeth is the president of something.''

[laughter]

Senator Dole has worked with Senator Byrd, Senator Mitchell, Senator Daschle. And as Senator Mitchell said, Senator Dole was a great advocate. I was there to witness his advocacy. But the thing about Senator Dole working with these three Senators that I've mentioned was that they all said things in a civil fashion to each other. And I—if I had to say in a sentence what Senator Dole has meant to me, it's this. And this is a quote. ''Your political opponent does not have to be your enemy.'' We should all remember that, those of us who serve in public office. Just because you have someone that you're opposed to, a particular piece of legislation, that person's not an enemy.

So, Senator Dole, on behalf of the Reid Family, the Senate Family and our country, thank you very much for your service.

[laughter]

I would ask that Senator Dole, Elizabeth Dole come forward; Robin Dole, his daughter; Sheila Burke, who we all know; Robert Lighthizer, former staff; Joyce McCluney, former staff, please come forward.

[applause]

[inaudible conversation]

Mr. REID: There will be a reception in S–207. Everyone's invited.

A FEW BAD APPLES

Mr. LEVIN. Mr. President, analyses of gun trace data has 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 account 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 137 dealers nationwide 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 2000, 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 trace data showed 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 retail 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. These dealers accounted for 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 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, I ask unanimous consent for three cost estimates from 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 seek search warrants when owners of commercial facilities bar the government from entering the location in support of the IAEA inspections and would establish guidelines for conducting environmental sampling at both government and commercial locations.

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.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because this bill would implement the Additional Protocol, it falls within that exclusion. CBO has thus not reviewed the bill for intergovernmental or private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2489 is shown in the following table. The costs would fall within budget functions 050 (national defense), 270 (energy), and 370 (commerce and housing credit). 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.

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	23	13	13	13	13
Estimated Outlays	17	15	14	13	13

Basis of estimate: Enacting S. 2489 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 agencies to provide outreach programs to the commercial facilities and to issue regulations in order to implement the provisions of the Additional Protocol,

Authorize 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 a year, 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 $200,000 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). DOC is developing a new database to support the reporting requirements of the Additional Protocol. The department also would conduct outreach, training, and inspection 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 environmental 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.

Intergovernmental and Private-Sector Impact: Section 4 of the UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that because this bill would implement the Additional Protocol, it falls within that exclusion. CBO has thus not reviewed the bill for intergovernmental or private sector mandates.

Previous CBO Estimate: On August 10, 2006, CBO transmitted an estimate for 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, as ordered reported on July 20, 2006. Title II of that bill is identical to S. 2489, 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 appropriation of the estimated amounts. Those estimated costs are similar to the costs described in this estimate.

Estimate Prepared by: Federal Costs: Raymond J. Hall; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Tyler Kruzich.

Estimate Approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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 countries that are not signatories to the Treaty on the Non-Proliferation of Nuclear Weapons. In addition, S. 3709 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).

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.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation 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.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 3709 is shown in the following table. The costs would fall within budget functions 050 (national defense), 270 (energy), and 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	23	13	13	13	13
Estimated Outlays	17	15	14	13	13

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 agencies to provide outreach programs to the commercial facilities and to issue regulations in order to implement the provisions of the Additional Protocol, Authorize 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 a year, 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 $200,000 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). DOC is developing a new database to support the reporting requirements of the Additional Protocol. The department also would conduct outreach, training, and inspection 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 environmental 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.

United States-India Peaceful Atomic Energy Cooperation (title I)

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. And finally, the bill would require that the exemption from current-law prohibition would cease to be effective if India detonates a nuclear explosive device after the date of the enactment of this bill.

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 provisions that are necessary for the ratification or implementation 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, as ordered reported by the House 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 appropriation of the estimated amounts. Those estimated costs are similar to the costs described in this estimate.

Estimate prepared by: Federal Costs: Raymond J. Hall and Sam Papenfuss, Impact on State, Local, and Tribal Governments: Melissa Merrell, Impact on the Private Sector: Tyler Kruzich.

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 those vessels would expire two years after enactment.

CBO estimates the specified sales would increase offsetting receipts by $60 million over the 2007–2008 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 estimate 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.

	By fiscal year, in millions of dollars—										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
CHANGES IN DIRECT SPENDING											
Estimated Budget Authority	0	−10	−50	0	0	0	0	0	0	0	0
Estimated Outlays	0	−10	−50	0	0	0	0	0	0	0	0

Basis of estimate: S. 3722 would authorize the transfer of 10 naval vessels to foreign countries. Under the act, five specific vessels could be transferred to designated countries by grant and the other five vessels could be sold to specified countries. Based on information from the Navy regarding the value of these ships and recent experience with actual sales and grants, CBO estimates that

the sales would increase offsetting receipts by $10 million in 2007 and $60 million over the 2007–2008 period.

Intergovernmental and private-sector impact: S. 3722 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Sam Papenfuss.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on Private Sector: Victoria Liu.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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 successfu 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 battle. And his passing was a loss to all of us who knew and respected 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 Willard Sanache—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 in the years 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 were 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 already 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 SARBANES for allowing this important and historic legislation to move forward and the bipartisan effort from Senators INHOFE, JOHNSON, THUNE, and GRASSLEY in gaining 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 study nature for the rest of 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 ornithological collector on explorer Donald Baxter MacMillan's 1937 expedition to Baffin Island. Fifty years later, in 1987, Bowdoin 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 from Naples, FL, to Sacramento, CA. In each one, he created fascinating opportunities for children to experience nature whether through habitat trails, wildlife preserves, or even animal lending libraries, which allowed children to ''check out'' small animals for a few days at a time. During his years of work through the foundation and whenever opportunities arose, Mr. Forbes helped found 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 Rockefellers, and they were just enchanted with his enthusiasm to do the right thing.'' He used this charisma for more than 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 shield 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 community and in the lives of others. 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 Science was inaugurated, three modern residence halls 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 service as executive director of the Girl Scouts of the U.S.A. She was the United Nations representative of the International Federation of University Women and chairman of the Women's Committee within the President's Commission on Employment of the Handicapped.

Please join me in honor and remembrance of Dorothy C. Stratton. I offer my deep condolences to all her family and friends, and to the many who have been inspired and touched by all that she has given.●

PATTEN SEED COMPANY

● Mr. CHAMBLISS. Mr. President, it is with great pride that today I honor the past and recent success 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 Coles College of Business at Kennesaw State University present the Cox Century Award to Georgia businesses based on their commitments to 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 back to 1893 when 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 covers 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, from small South Georgia lawns to the Atlantis Resort in the Bahamas.

I am sincerely proud of the recognition that has been accorded to Patten Seed Company. Lakeland, GA, where Patten Seed Company originated, is not too far from my hometown of Moultrie. I see signs for one of Patten Seed Company's subsidiaries, 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

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the 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, in 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 WHITE HOUSE, *September 21, 2006.*

MESSAGES FROM THE HOUSE

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 1:01 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 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.

H.R. 4586. An act to extend the life of the Benjamin Franklin Tercentenary Commission.

H.R. 4653. 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 Fernando Valley Metro Rail project, California.

H.R. 4768. 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".

H.R. 4844. An act to amend the Help America Vote Act of 2002 to require each individual who desires a vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.

H.R. 4957. An act 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.

H.R. 5450. An act to provide for the National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 5664. An act 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".

The message also announced that the House passed the following bills, without amendment:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 418. An act to protect members of the 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 Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

At 5:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

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. 6094. An act 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.

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. EMERSON, Mr. SWEENEY, Mr. KOLBE, Mr. ISTOOK, Mr. CRENSHAW, Mr. CARTER, Mr. LEWIS of California, Mr. SABO, Mr. PRICE of North Carolina, Mr. SERRANO, 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. HOBSON, Mr. BONILLA, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, Ms. GRANGER, Mr. LAHOOD, Mr. LEWIS of California, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, 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, and referred as indicated:

H.R. 2334. 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 Benjamin Franklin Tercentenary Commission; to the Committee on Energy and Natural Resources.

H.R. 4653. 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 Fernando Valley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4768. 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. 5450. 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"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6094. An act to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminalaliens, and combat alien gang crime; to the Committee on the Judiciary.

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. 2965. 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 sector 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 authorities for the Secretary of State and the Broadcasting Board of Governors, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–8390. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerance" (FRL No. 8092–2) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8391. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethaboxam; Pesticide Tolerance" (FRL No. 8091–5) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenamidone; Pesticide Tolerance for Emergency Exemption" (FRL No. 8093–3) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Pesticide Tolerances" (FRL No. 8093–9) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerance" (FRL No. 8092–1) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 8093–8) received on September 20, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8396. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Soybeans" (RIN0580–AA90) received on September 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8397. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, a report relative to the Department's plan to perform a standard A–76 competition; to the Committee on Armed Services.

EC–8398. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (12) reports relative to vacancy announcements within the Department, received on September 21, 2006; to the Committee on Armed Services.

EC–8399. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the role of military medical and behavioral science personnel in interrogations; to the Committee on Armed Services.

EC–8400. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of (2) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–8401. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency and related measures blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC–8402. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency declared in Executive Order 13224; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

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. 2781. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 109-345).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, without amendment:

H.R. 5074. A bill to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 5187. A bill to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 394. A bill 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 for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and an amendment to the title:

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Philip S. Gutierrez, of California, to be United States District Judge for the Central District of California.

Valerie L. Baker, of California, to be United States District Judge for the Central District of California.

Francisco Augusto Besosa, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California.

Rodger A. Heaton, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS:

S. 3916. A bill to expand the boundaries of the Cahaba 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. 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 Mrs. 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, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI):

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 for certain Medicaid expenditures; to the Committee on Finance.

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.

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.

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.

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 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; 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.

S. 334

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. 1110

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. 1132

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. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1607, a bill to amend section 10501 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. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2340

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. 2679

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. 2679, a bill 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. VOINOVICH, 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.

S. 3523

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.

S. 3535

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.

S. 3609

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.

S. 3727

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3727, 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.

S. 3744

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.

S. 3771

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. 3771, 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.

S. 3791

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.

S. 3844

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.

S. 3882

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.

S. 3884

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.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 3913

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. CHAFEE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3913, supra.

S. RES. 553

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 accounting firms put 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 we have Sarbanes-Oxley to thank. 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 is the engine 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) found 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 $.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 to comply with the Act. 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, assembled by the SBA Chief Counsel for Advocacy, and comprising of representatives from the SEC and other appropriate bank regulatory agencies, to report semi-annually on how to assist small public companies in complying with Sarbanes-Oxley. My hope is that this task force will continually find new ways to lift the regulatory burden on small businesses attempting to comply with the law. Each report of the task force will be required to evaluate upgrades or alternatives to the SEC's Electronic Data Gathering Analysis Retrieval System so that companies might submit filings to the SEC without the need for third party intervention. The task force will also report on the potential to reduce inefficiencies related to SEC filings; the feasibility of synchronizing filing requirements for substantially similar small firms; 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 more 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 insure that small firms 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 will 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 HOBSON and JOHN TANNER. That bill has broad, bipartisan support and 132 House cosponsors.

As background, section 302(b)(I) 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 lowest-cost provider 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 competitive acquisition of DME. This means that providers do not have legal recourse to appeal the bid amount or contracts. My bill would restore appeal rights for competitive acquisition of DME. These rights exist elsewhere in the Medicare program.

Sixth, 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 show that the savings 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 conduct a comparability analysis of the two MSAs. This 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 that 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 a high quality of 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. That is 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 will 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 viable. 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 certain small businesses to continue providing DME in Medicare 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 Medicare 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. 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.

Mr. MCCAIN. Mr. President, today I am introducing the World War II POW Pay Equity Act of 2006. This legislation would ensure that former World War II Prisoners of War, or their surviving spouses, receive the appropriate back pay for their honorable service, adjusted for inflation.

Due 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 full amount of the back-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 his fellow Americans of the keen 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 partially 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, some have reduced the rate at 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 this 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 participants 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 pension 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(i)(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.

(c) EFFECTIVE DATE.—Subsection (a) shall apply in the case of any civil action brought on or after September 21, 2006, alleging a violation occurring before June 29, 2005, of section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)), section 4(i)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(1)), or both, with respect to the plan described in subsection (b).

Mr. HATCH (for himself and Mrs. 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.

Mr. HATCH. Mr. President. I rise today to introduce with Senator FEINSTEIN legislation to establish a pilot program that is intended to enhance the level of expertise in patent cases among United States district court judges. In conversations with a number of constituents and both small and large companies in my home State of Utah, I have found that one of the frequent complaints by those who had been involved in patent litigation was that many district court judges had relatively little expertise in patent law, and—partially as a result—the decisions of trial courts are often overturned on appeal due to technical errors in construing patent claims. Obviously, this is frustrating for litigants, because it prolongs the uncertainty they experience and makes an expensive appeal of the trial court's decision much more likely. This bill seeks to address that problem by providing a way to increase the level of expertise among district court judges in patent cases.

The core provisions of this bill authorize a pilot project in at least five judicial districts that have a significant patent litigation caseload. Under the pilot program, judges in these districts will be allowed to form a smaller pool of judges who are willing to accept a larger portion of the patent litigation docket in the district. The bill also authorizes additional resources to allow participating courts to hire law clerks with expertise in patent law and to provide for educational programs relating to patent law for the participating judges. It is our intention that this program will allow these judges to acquire greater experience in handling patent trials, decrease the amount of time that patent cases take to resolve, and reduce reversals on appeal by enhancing the level of experience and expertise of judges and law clerks handling these cases. The project is authorized for at least five judicial districts, to be designated by the Administrative Office of the United States Courts, and will last for a 10 year period.

The bill also requires Administrative Office of the United States Courts and 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, Mrs. MURRAY, Mr. BINGAMAN, and Ms. MIKULSKI):

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 for certain Medicaid expenditures; 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 health 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 to reduce costs 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 program is 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 to the funding inequity and I have been fighting to make this fix permanent ever since. And as a result of these temporary fixes, Washington has been able to extend coverage to an additional 60,000 children and reinvest $47.3 million in children's health safety net programs.

Despite this success, the State has still been forced to return over percent of its share of Federal funding. Over the first decade of the SCHIP program, Washington is expected to return $191 million in Federal funds.

Let me say that again: we're returning millions of dollars to the Federal Government and we still have 100,000 uninsured children in our State—the majority of whom are eligible for these public programs.

It's unacceptable and it runs contrary to the central goal of the SCHIP program. We need a permanent solution once and for all so that Washington and the other States that expanded eligibility in their Medicaid programs before the enactment of SCHIP in 1997 are no longer penalized for their early innovation and their commitment to the health of children.

This is why we are introducing the Children's Health Protection and Eligibility Act of 2006.

This legislation will give states the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. States that have made a commitment to insuring children could use their entire SCHIP funds allotment to maintain access to health care coverage for all low-income children in the state. The bill also ensures that all of the qualifying States that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage. Finally, this bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

The requirements are best practices that have been tested and proven all across our Nation: a simplified application process, twelve-month continuous eligibility and easy access to enrollment staff are just a few of the examples of actions that we have taken in Washington that are proven to work. They result in more children having coverage and accessing appropriate care. Many of our States are working to make the program easier for children and families to navigate and now Congress needs to make it easier for all States to access their SCHIP allotment in order to expand and improve coverage to our youngest citizens.

Children are the leaders of tomorrow; they are the very future of our great Nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. With the rising number of uninsured and the ever-increasing healthcare costs, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. Removing barriers for innovative states and allowing them to fully access their SCHIP allocation is a major step in achieving this goal. I urge my colleagues to join us in support of this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3924

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

SECTION 1. AUTHORITY FOR QUALIFYING STATES TO USE ALL OR ANY PORTION OF THEIR SCHIP ALLOTMENTS FOR CERTAIN MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, or 2005'' and inserting ''all or any portion of any allotment made to the State under section 2104 for a fiscal year''.

(b) ADDITIONAL REQUIREMENTS.—Section 2105(g)(2) of such Act (42 U.S.C. 1397ee(g)(2)) is amended—

(1) by striking ''a State, that, on'' and inserting ''a State that is described in subparagraph (A) and satisfies all of the requirements of subparagraph (B).

''(A) STATE DESCRIBED.—A State described in this subparagraph is a State that, on''; and

(2) by adding at the end the following:

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) NO REDUCTION IN MEDICAID OR SCHIP INCOME ELIGIBILITY.—Since January 1, 2001, the State has not reduced the income, assets, or resource requirements for eligibility for medical assistance under title XIX or for child health assistance under this title.

''(ii) NO WAITING LIST IMPOSED.—The State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of children for medical assistance under title XIX or child health assistance under this title and does not limit the acceptance of applications for such assistance.

''(iii) PROVIDES ASSISTANCE TO ALL CHILDREN WHO APPLY AND QUALIFY.—The State provides medical assistance under title XIX or child health assistance under this title to all children in the State who apply for and meet the eligibility standards for such assistance.

''(iv) PROTECTION AGAINST INABILITY TO PAY PREMIUMS OR COPAYMENTS.—The State ensures that no child loses coverage under title XIX or this title, or is denied needed care, as a result of the child's parents' inability to pay any premiums or cost-sharing required under such title.

''(v) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

''(I) SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under title XIX, the State uses the same simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for assistance under title XIX and this title.

''(II) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under title XIX or this title with respect to children.

''(III) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children eligible for medical assistance under title XIX.

''(IV) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

''(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 defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply to expenditures described in section 2105(g)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) that are made after that date.

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 unanimous 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 carry out their work more efficiently and effectively.

Title I of this bill creates a new pay for 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 adjustments in pay are tied to 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 under precepts prescribed by the Secretary.'' Each Secretary/head of agency utilizing the Foreign Service personnel system may implement this section in a manner most suitable to the unique circumstances of his or her agency. Poor performers would get no increase in pay. As with the Senior Foreign Service, the pay for performance planned for the Foreign Service would utilize multiple levels of performance distinctions. Performance-based adjustments normally would be made only once in any 12-month period.

Title I also provides a number of employee protections. It specifically guarantees a minimum funding pool for performance-based pay adjustments to ensure that, in the aggregate, employees are not disadvantaged by conversion to the new pay system. It authorizes selection boards to rank order employees for the purpose of recommending pay for performance salary adjustments, and requires agencies that use selection boards for pay for performance to follow the selection board rankings in allocating salary increases, except in special circumstances. The legislation does not impact the negotiation of procedures and appropriate arrangements for adversely affected employees with the employees' representative, the American Foreign Service Association, AFSA.

Title I provides transitional authorities to the Secretary of State for use during the interim period before April 2008 when the new Foreign Service Schedule is established. It contains provisions that govern the conversion of employees to the new schedule and it provides for a one-year transition period from the current 14-step system. It also gives the Secretary authority to establish transitional rules that prevent a reduction in a member's rate of pay by reason of conversion to the new system, among other measures that are to be applied to provide for a smooth transition.

In a long needed reform, Title I also provides uniform compensation for worldwide service by April 2008. It eliminates the disparity in pay between those serving in Washington, DC, and other domestic posts who receive locality pay increases and those serving overseas who do not. The discrepancy has skewed incentives to serve overseas and is inconsistent with mandatory worldwide and rotational assignment requirements. The Department estimates the cost of its three-stage transition to the new pay system to be $32 million in its 2007 budget, $64 million in 2008, and $32 million in 2009. The legislation provides for pay conversion and establishes temporary rules for the period leading up to April 2008 as the transition takes place.

As Secretary Rice works to fill difficult posts around the world, including in Iraq and Afghanistan, and as our diplomats come increasingly under fire in tough places, it is common sense to restructure a pay system that, without reform, provides disincentives to serving overseas. The Foreign Service must know that our country stands behind them, appreciates their service, and is grateful for the contributions they make to the security of our country and the well-being of our citizens.

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 subsequent to the Senate Foreign Relations Committee's passage of S. 600. The provisions in Title II of this legislation are as follows:

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 12th grade when 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 who 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 investigate 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, but will potentially reduce fraud among all 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 contract rather than as full-time government employees. Such authority gives the BBG the flexibility to hire, for the short or medium-term, broadcasters and on-air hosts in difficult languages, some with many dialects. The BBG uses the authority, for example, for surge capacity in Urdu and Arabic.

Inspector General, this section also establishes a limited authority for the State Department's Office of the Inspector General (OIG) to hire personal service contractors (PSCs) to augment its ability to conduct oversight of programs and operations related to Afghanistan and Iraq. No more than 20 PSCs may be hired at any one time and, absent exceptional circumstances, the contract length for each PSC may not exceed two years. The Inspector General anticipates a need for additional staff once the Special Inspector General for Iraq Reconstruction's (SIGIR's) portfolio is either partially or fully transferred to the State Department. The OIG also expects an increase in short-term staffing needs to

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 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 restores the Secretary's pre-existing authority and provides the intended additional authorities with respect to Iraq and Afghanistan.

Section 207. Discontinuance of Duplicative or Obsolete Reports discontinues 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:

AMERICAN FOREIGN SERVICE ASSOCIATION,
Washington, DC, September 20, 2006.

Hon. RICHARD G. LUGAR,
Chairman, Senate Committee on Foreign Relations, Washington, DC.

DEAR CHAIRMAN LUGAR: On behalf of the 14,000 members of the American Foreign Service Association (AFSA), please accept out sincere appreciation for your leadership during the 109th Session on a number of fronts of vital importance to 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 this year that will make the changes necessary to the Foreign Service Act of 1980 to permit a unified worldwide pay schedule. We realize that there are many issues that you and your colleagues are currently grappling with and will try to get passed before the mid-term election recess next week. Our great fear, one that we hope you can help us avoid, is that our modest bill, so important to our members, will be shunted aside with the rationalization that it can always be taken up again later. Mr. Chairman, we are afraid that your colleagues are in danger of missing an exceptional, perhaps unique, opportunity to resolve this pay equity issue and to guarantee a win/win outcome for all concerned by creating a model pay-for-performance personnel system for the Foreign Service that will be a shining example for the rest of the federal government.

The current inequity is profoundly unfair and undermines the moral of our Country's diplomatic corps. The U.S. Foreign Service must have all the tools it needs to implement our diplomatic and national security priorities around the globe, often under extremely challenging circumstances. One vital tool our nation can provide the men and women of the Foreign Service and their families is the validation of their essential efforts abroad that ending this pay disparity would provide. With the increasing difficulty of service overseas and continuing threats against American officials abroad, this measure would be the single most important morale booster that the Congress could provide, Conversely, a lack of immediate action on the proposed legislation would be a profound disappointment to our members.

Mr, Chairman, I know that you fully understand that Foreign Service members should not be penalized for serving abroad with a 17.5 percent pay cut. That simply isn't right. It is our sincere hope that you can persuade Congress to act on this issue now or a crucial opportunity will be lost.

Again, thank you for your leadership. AFSA is most grateful for your support and friendship.

Sincerely,

J. ANTHONY HOLMES,
President.

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 do a reprise of that 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. 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 strategy is in creating energy security and developing a whole host of energy resources in this country so that we are not dependent upon—or as dependent upon foreign sources of energy and that we 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 so we are not providing enormous riches for people to develop nuclear weapons and turn around and harm the United States and our allies.

I believe the threat we face can be analyzed in a three-pronged approach. As I said on the floor last week or the week before, we face a threat, an enemy most people refer to as terrorists. I do not refer to them as terrorists; I refer to them as who they are: radical Islamic fascists. They have an ideology. These are not people who kill for the purpose of killing. They don't kill because of hatred. They kill because they have a belief, an objective.

I know that for a year or two, the President, right after 9/11, referred to these terrorists as ''cowards.'' I notice that he doesn't do that anymore. I don't know of anybody who does that anymore. There is a reason: They are not cowards at all. These are people with great conviction. Some would even say that, in a demented way, they have great courage. But they are certainly not cowards. Calling them cowards gives the wrong impression to the American people that we are fighting a foe who is afraid of us or afraid of something. The problem is they seem to be afraid of very little when it comes to this world. They are willing to give up their lives. In fact, they want to give up their lives, and their objective, by the way, is to take as many other lives in the process. The object in this war is not territory; the object of this war is submission and death.

So we are not dealing with a group of cowards. When we tell the American public we are dealing with cowards, they don't think this is a serious enemy that can defeat us. America would never lose to a group of cowards. But we can lose to a group of fanatical, zealous Islamists, who have a clear mission and a clear methodology by which to accomplish that mission.

These are people who are very serious about what they want to do, whether it is radical Sunnis or radical Shias. They have an objective and a common enemy—as does the radical left, represented so comically, in my opinion, so ridiculously, by the speech of Hugo Chavez yesterday at the United Nations. What do Mahmud Ahmadi-Nejad, President of Iran, and Hugo Chavez have in common? Nothing except their hatred of everything this country holds dear—freedom, democracy, and individual human rights. That is what they hate. I would suggest they have as much in common as Mussolini and Hitler and Tojo. They had very little in common ideologically. The Japanese believed in the superiority of the Japanese race and wanted to conquer and rule the world. Hitler didn't believe in that, but they formed an alliance because there was a common enemy.

That is the case here. We are seeing it. It is, hopefully, a frightening sight put on display over the last couple of days at the United Nations, as this character of a President, this ridiculous diatribe Hugo Chavez presented to the U.N. received applause from many around the world—most leaders around the world. This is a serious threat. We can look at it and put it in political terms and say we went to war for the wrong reason and this or that wasn't true. But that is looking in the rearview mirror when we have a huge

threat. So they have an ideology and a common enemy.

Secondly, they have a very effective methodology by which to conduct this war. It is one that doesn't require the kind of coordination and resources a traditional military campaign would require. They don't need to conquer land, to hold ground; they simply need to kill people every day. And they do— every day. And we cover it in America every day. American people watch it every day. And every day, the resolve of the American people is eroded. The resolve of the American people is eroded because—I will use the words of Osama bin Laden—because we Americans love life and the radical Islamists love death. That is how he said he would defeat us, because of America's and the West's love for life and respect for life, their attachment to this world, to the modern world, and the radical Islamist's attachment not to this world at all but to death, which, in their minds, means life—a better life with Allah. That is their objective, their methodology. Their methodology is to prey upon what they believe is the weakness of America, what they believe is the weakness of the West, which is the fact that we respect life, love life, we have human rights, and we believe in freedom. We believe it is our objective in this world to make it a better world. They don't care about that at all. So terror is a uniquely effective tactic that fits well into their culture of death and is particularly effective against our culture of life.

In addition, they are trying to develop a new weapon; that is, a nuclear weapon. Iran has made it very clear and Chavez has announced his intention to develop a huge arsenal of weapons of mass destruction to use, in the words of Ahmadi-Nejad, ''to wipe Israel off the face of the earth'' and use that weaponry to get the rest of the Western World to submit to their radical, fanatical brand of Islam.

This is their ultimate threat. This is the ultimate tactic of death and terror—to have a country that is committed publicly to using nuclear weapons not to defend itself, not to gain an earthly dominion over the world, but to cause mass chaos and destruction, in the case of Iran, for a religious purpose, because what they seek to accomplish is the return of the Hidden or 12th Imam. That is the 12th descendant of the Prophet Muhammad who, in the late 800s, went into hiding, according to the Shia religion, and is destined to return as the messiah of the Islamic faith at the end of times—the end of times meaning Armageddon. The interesting twist that the radical Shia project onto the world stage today is they believe it is their obligation to bring about the return of the Hidden or 12th Imam by causing a modern-day Armageddon. That is what they believe. You may not have heard this before, but let me assure you, that is what they believe. That is what they say. That is what they talk about all 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, or to try to dominate bigger 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 Ahmadi-Nejad and the ruling mullahs of Iran 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 rocketry and 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. 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 me 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 not only 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 going to be coal to liquid fuels, 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 they need to have 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 oil 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 some future date. We must act now, quickly. 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 at $30 or $40 a barrel. 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.

This 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 about the comments the Senator 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 subsidies 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.

Yet 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 group who 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 approved does not contain 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 London terror plot to detonate 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 loaded on board our 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 blast resistant 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. That is why I an introducing a bill to do just that.

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 more than 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 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 Secretary 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 OUTREACH, 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 have 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 wives of their fathers, husbands, and loved ones. Just as the doctrine of 'separate but equal,' was wrong in education, it is wrong in health care. We have to reform the system so that the quality of health care for every American never depends 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.

SENATE RESOLUTION 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

Ms. MIKULSKI (for herself and Mr. SANTORUM) submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas, on May 9, 1945, Europe declared victory over the oppression of the Nazi regime;

Whereas Poland and other countries in Central, Eastern, and Southern Europe soon fell under the oppressive control of the Soviet Union;

Whereas for decades the people of Poland struggled heroicly for freedom and democracy against that oppression, paying at times the ultimate sacrifice;

Whereas, in 1980, the Solidarity Trade Union was formed in Poland;

Whereas membership in the Solidarity Trade Union grew rapidly in size to 10,000,000 members, and the Union obtained unprecedented moral power that soon threatened the Communist government in Poland;

Whereas, on December 13, 1981, the Communist government in Poland crushed the Solidarity Trade Union, imprisoned the leaders of the Union, and imposed martial law on 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;

Whereas the people of the United States expressed their support on Christmas Eve 1981 by lighting candles in their homes to show solidarity with the people of Poland who were suffering under martial law;

Whereas, in 1989, the people of Poland finally won the right to hold free parliamentary elections, which led to the election of Poland's first Prime Minister during the post-war era who was not a member of the Communist party, Mr. Tadeusz Mazowiecki; and

Whereas, in 2006, Poland is an important member of the European Union, one of the closest allies of the United States, a contributing partner in the North Atlantic Treaty Organisation, 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 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.

SENATE RESOLUTION 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"

Mr. CHAMBLISS submitted the following resolution; which was considered and agreed to:

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 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 $14,600,000,000 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 Coevolution 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 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.

SENATE RESOLUTION 581—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

Mr. BUNNING (for himself, Mr. INHOFE, 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 rewrote the constitution of Venezuela after he was elected in 1988;

Whereas, in August 2004, President Chavez survived a recall vote through intimidation and other undemocratic actions;

Whereas President Chavez has decreed that all private property deemed "not in productive use" will be confiscated by the government of Venezuela and redistributed to third parties;

Whereas President Chavez has enacted a media responsibility law placing restrictions

on broadcast media coverage, imposing severe penalties for violations, and using other legal methods to intimidate media outlets that criticize his government;

Whereas changes imposed by President Chavez to the penal code of Venezuela have threatened the freedom of expression and freedom of association once enjoyed by the citizens of Venezuela, and have increased jail terms for those convicted of criticizing the government of that country;

Whereas President Chavez and his supporters 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 already fragile democratic governments of other countries in the region, President Chavez is supporting radical forces in Colombia, Bolivia, and Ecuador, as well as leftist parties 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 himself with countries that are classified by the Department of State as sponsors of terrorism;

Whereas President Chavez has developed a close relationship with the Dictator of Cuba, Fidel Castro;

Whereas President Chavez has also associated himself with other dictators, including Kim Jong Il of North Korea and the totalitarian regime of Iran;

Whereas President Chavez was allowed to promote hatred in a speech in which he delivered at the United Nations General 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 Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government; and

Whereas President Chavez made unsubstantial claims that the United States has set in motion a coup in Venezuela and continues to support coup attempts in Venezuela and elsewhere: Now, therefore, be it

Resolved, that the Senate condemns President Chavez for his anti-democratic actions and his statements made at the United Nations General Assembly on September 20, 2006.

SENATE CONCURRENT RESOLUTION 117—OFFICIALLY DESIGNATING THE NATIONAL MUSEUM OF THE PACIFIC WAR IN FREDERICKSBURG, TEXAS, AS THE NATIONAL MUSEUM OF THE PACIFIC WAR

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 117

Whereas the National Museum of the Pacific 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, defending liberty and Nation;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, is frequently referred to as the Admiral Nimitz Museum;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, is the only institution in the continental 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 Theater battles of World War II—on the battlefield, ocean, and home front;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, has grown to nearly 34,000 square feet of indoor exhibit space;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, boasts an impressive display of Allied and Japanese aircraft, tanks, guns, and other large artifacts made famous during the Pacific War campaigns;

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, highlights—

(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 honor, courage, patriotism, and sacrifice of those Americans who served and sacrificed in the defense of liberty during World War II; and

(2) evidence of other relevant subjects; and

Whereas the National Museum of the Pacific War in Fredericksburg, Texas, houses an archival collection of materials—maintained by the Center for Pacific War Studies—that contains more than 10,000 Pacific War photos, an extensive collection of private papers, official documents, and manuscripts, 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 Representatives concurring), That Congress—

(1) designates the National Museum of the Pacific War in Fredericksburg, Texas, including the museum's future and expanded exhibits, collections, archives, artifacts, and education programs, as ''The National Museum of the Pacific War'';

(2) supports efforts to preserve historic moments in our Nation's history;

(3) recognizes that the continued collection, preservation, and display of the historical objects and other historical materials held by The National Museum of the Pacific War enhance our knowledge and understanding 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 celebrating The National Museum of the Pacific War and its mission of preserving and safeguarding the legacy of the heroes of the Pacific War; and

(5) encourages present and future generations to understand the sacrifices all Americans 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 sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5026. Mr. BURNS 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.

SA 5027. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5028. Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5029. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5030. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5031. Mr. FRIST proposed an amendment to the bill H.R. 6061, supra.

SA 5032. Mr. FRIST proposed an amendment to amendment SA 5031 proposed by Mr. FRIST to the bill H.R. 6061, supra.

SA 5033. Mr. FRIST (for Mr. LUGAR (for himself, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, Mr. CORNYN, Mrs. HUTCHISON, Mr. DEWINE, Mr. COLEMAN, Mr. CHAFEE, Mr. ALEXANDER, Mr. SUNUNU, and Mr. SPECTER)) proposed an amendment to the 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.

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.

TEXT OF AMENDMENTS

SA 5026. Mr. BURNS 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:

At the appropriate place, insert the following:

SEC. __. ENHANCED BORDER SURVEILLANCE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in cooperation with the Administrator of the Federal Aviation Administration, 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 surveillance along the international marine and land border between Canada and the United States.

SA 5027. Mr. BURNS 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:

At the appropriate place, insert the following:

SEC. ___. STUDY ON METHAMPHETAMINE INFILTRATION 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 Congress—

(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 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 7, after line 10, add the following:

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. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
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Sec. 116. Deaths at United States-Mexico border.
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Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
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Sec. 124. Us–visit System.
Sec. 125. Document fraud detection.
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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.
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Subtitle E—Border Law Enforcement Relief Act

Sec. 151. Short title.
Sec. 152. Findings.
Sec. 153. Border relief grant Program.
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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.
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TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
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. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain Immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security Service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
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Sec. 220. Reducing illegal Immigration and ALIEN smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local Enforcement of Federal Immigration laws.
Sec. 225. Removal of drunk drivers.
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Sec. 401. Immigration impact study.
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Sec. 523. Market-based VISA limits.
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Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims

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Sec. 544. Extension of filing or reentry deadlines.
Sec. 545. Humanitarian relief for certain surviving spouses and children.
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Sec. 548. Employment eligibility verification.
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Sec. 555. Foreign students and exchange Program participants.

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.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

Sec. 611. Short title.
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CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Sec. 613. Agricultural workers.
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Sec. 623. Restoration of State option to determine residency for purposes of higher Education benefits.
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Sec. 630. Expedited processing of applications; prohibition on fees.
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Subtitle D—Programs To Assist Nonimmigrant Workers

Sec. 641. Ineligibility and removal prior to application period.
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TITLE VII—MISCELLANEOUS

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Sec. 711. Short title.
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Subtitle C—State Court Interpreter Grant Program

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Sec. 722. Findings.
Sec. 723. State court interpreter Program.
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Sec. 731. Short title.
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Sec. 733. Port of Entry Infrastructure Assessment Study.
Sec. 734. National Land Border Security Plan.
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.
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Subtitle F—Other Matters

Sec. 751. Noncitizen membership in the Armed Forces.
Sec. 752. Nonimmigrant alien status for certain athletes.
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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. 761. Border Security on certain Federal land.
Sec. 762. Unmanned Aerial Vehicles.
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TITLE VIII—INTERCOUNTRY ADOPTION REFORM

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Subtitle A—Administration of Intercountry Adoptions

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Sec. 812. Recognition of Convention adoptions in the United States.
Sec. 813. Technical and conforming amendment.
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Sec. 821. Automatic acquisition of citizenship for adopted children born outside the United States.
Sec. 822. Revised procedures.
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Sec. 824. Definition of adoptable child.
Sec. 825. Approval to adopt.
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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

other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

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 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—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 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) 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 of the recruitment 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) PORT 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) DEPUTY 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 (a)(3).

(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 (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

''(1) 2,000 in fiscal year 2006;

''(2) 2,400 in fiscal year 2007;

''(3) 2,400 in fiscal year 2008;

''(4) 2,400 in fiscal year 2009;

''(5) 2,400 in fiscal year 2010; and

''(6) 2,400 in fiscal year 2011;

''(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of 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 chapter 18 of 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 and the Secretary of Defense 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 under such plan during the 1-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 AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

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 subsection (a).

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) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, 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 fencing for 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 150 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 aged, 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 fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct 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.

(c) 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 Tucson and Yuma Sectors, and 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 illegal aliens attempting to gain illegal entry into the United States.

(d) 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.

(e) 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 describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(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 the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description 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 to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment 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) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders 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 of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(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, security, technical, and biometric standards for 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; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) 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 implementing 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 asylum and document fraud, and to analyze such trends.

(3) 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 to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa 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 works toward the development of a 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 or law enforcement officials 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, while respecting 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 watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would 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, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat 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 known and suspected criminals or terrorists, including exploring the formation 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 coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala 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 Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote 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 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;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—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 prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) 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 relating 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 and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug 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) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) CONSULTATION REQUIREMENT.—Federal, State, and local representatives in the United States shall consult with their counterparts in Mexico concerning the construction of additional fencing and related border security structures along the international border between the United States and Mexico, as authorized by this title, before the commencement of any such construction in order to—

(1) solicit the views of affected communities;

(2) lessen tensions; and

(3) foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

(e) 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 Biometric 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. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

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 possible.

(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 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(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 Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**'';

(3) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the'' and inserting ''The''; and

(B) by striking ''visas and'' both places it appears and inserting ''visas, evidence of status, and'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable 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. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) 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) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.''.

(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 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—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 seeking permission 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 who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(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 exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class 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:

"(3) 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 chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. 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 necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(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 southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection 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 becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of 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.—

(1) 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.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 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 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 PORTS 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 235(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 paroled into the United States by 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—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

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

"§ 555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

"(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable 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 disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) 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 violation of arrival, reporting, entry, or clearance requirements".

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities;

(2) Airborne reconnaissance activities;

(3) Logistical support;

(4) Provision of translation services and training;

(5) Administrative support services;

(6) Technical training services;

(7) Emergency medical assistance and services;

(8) Communications services;

(9) Rescue of aliens in peril;

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

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.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

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 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINE.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.''.

(c) PASSPORT CARDS.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUANCE.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) TECHNOLOGY.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) SPECIFICATIONS FOR CARD.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Passport Card fees shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) LIMITATION ON FEES.—

(i) IN GENERAL.—The Secretary of State shall seek to make the application fee under this paragraph as low as possible.

(ii) MAXIMUM FEE WITHOUT CERTIFICATION.—Except as provided in clause (iii), the application fee may not exceed $24.

(iii) MAXIMUM FEE WITH CERTIFICATION.—The application fee may be not more than $34 if the Secretary of State, the Secretary, and the Postmaster General—

(I) jointly certify to Congress that the cost to produce and issue a Passport Card significantly exceeds $24; and

(II) provide a detailed cost analysis for such fee.

(C) REDUCTION OF FEE.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) WAIVER OF FEE FOR CHILDREN.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) AUDIT.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) ACCESSIBILITY.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary shall work, to the maximum extent possible, to ensure that identification documents issued by Canada that are used as described in this paragraph contain the same technology as identification documents issued by the United States (or any State).

(6) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary shall seek to conduct pilot programs related to Passport Cards and the State Enrollment Demonstration Program described in this subsection on the international border between the United States and Canada and the international border between the United States and Mexico.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—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 crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology and 6 additional southern ports of entry with SENTRI technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I–68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—Notwithstanding any other provision of law, the Secretary shall develop a procedure to accommodate groups of children traveling by land across an international border under adult supervision with parental consent without requiring a government-issued identity and citizenship document.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''Border Tunnel Prevention Act''.

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 132, is further amended by adding at the end the following:

''§ 556. 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 fined under this title and imprisoned for not more than 20 years.

''(b) Any person who knows or recklessly disregards the construction or use 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 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 a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable 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, as amended by section 132, is further amended by adding at the end the following:

''Sec. 556. Border tunnels and passages''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''556,'' before ''1425,''.

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 556 of title 18, United States Code, as added by section 142.

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

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 556 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the 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.

Subtitle E—Border Law Enforcement Relief Act

SEC. 151. SHORT TITLE.

This subtitle may be cited as the ''Border Law Enforcement Relief Act of 2006''.

SEC. 152. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately

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 1,000,000 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 has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of 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 Southwest border 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 such expenses and must use their limited resources 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 address—

(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 a community—

(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.

(e) 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) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) 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 for the purposes provided under this title.

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 and requests additional United States Border Patrol agents (referred to in this subtitle as ''agents'') from the Secretary, the Secretary, 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 individuals from crossing the international border 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.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 101(b)(2), is further amended by striking ''2,000'' and inserting ''3,000''.

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, detention space, transportation, and all of the 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.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) 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 there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—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 agents in distress.

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 augment the existing radio communications system so 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 agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent 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 working 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 every 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 not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, 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 as 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 TERRORIST 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 ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a)''.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking ''or'' 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)(i)(IV) if the Secretary of Homeland Security determines that there are not 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 purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

''SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

''A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

''(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

''(2) entered the United States before January 1, 1972;

''(3) has resided in the United States continuously since such entry;

''(4) is a person of good moral character;

''(5) is not ineligible for citizenship; and

''(6) is not described in section 237(a)(4)(B).''.

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security'';

(B) by striking ''Attorney General'' any other place it appears and inserting ''Secretary'';

(C) in paragraph (1)—

(i) in subparagraph (B), 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 amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

''(i) make all reasonable efforts to comply with the removal order; or

''(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and 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.''; 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.'';

(D) 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 administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.'';

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of the immigration laws.'';

(F) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

''(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 carry out 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 ordered 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 conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

''(bb) the alien—

''(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(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 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, is likely to engage in acts of violence in the future; or

''(V) that—

''(aa) 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

''(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

''(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, 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 initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(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 not delegate the authority to make or renew a certification described in subclause (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 that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

''(H) RELEASE ON CONDITIONS.—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).

''(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

''(i) the alien fails to comply with the conditions of release;

''(ii) the alien 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) APPLICABILITY.—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 of the redetention.

''(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)(I) and 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;

''(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and 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

''(cc) conspired or acted to prevent removal; or

''(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

''(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting ''(1)'' before ''If, after a hearing'';

(C) in subparagraphs (B) and (C), as redesignated, by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(D) by adding after subparagraph (C), as redesignated, the following:

''(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328).''; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(C) 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 provision providing an effective date for section 203 of the Comprehensive Immigration Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country,

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 whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, 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 (1)(A) or (2) of'';

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense''; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: '', regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character'' and inserting the following: ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting: ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(g) DISTRICT COURT JURISDICTION.—Section 336(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 335 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 the Secretary's determination on the application.''.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) 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 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:

''(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 the Secretary of Homeland Security or the Attorney General 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—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: ''Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.'';

(ii) in subparagraph (C), by striking ''a period of 12 or 18 months'' and inserting ''any other period not to exceed 18 months'';

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking ''The amount of any such fee shall not exceed $50.'';

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking '', or'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) the alien 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).''; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), 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—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''212(a) or'' after ''section''; and

(B) in the matter following subparagraph (D)—

(i) by striking ''or imprisoned not more than four years'' and inserting ''and imprisoned for not less than 6 months or more than 5 years''; and

(ii) by striking '', or both'';

(2) in subsection (b), by striking ''not more than $1000 or imprisoned for not more than one year, or both'' and inserting ''under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(3) by amending subsection (d) to read as follows:

''(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—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 Secretary of State 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 (3), a person shall be punished as provided under paragraph (2), if the person—

''(A) facilitates, encourages, directs, or induces a person to come to or enter 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 come to, enter, or cross the border to the United States;

''(B) facilitates, encourages, directs, or induces a person to come to or enter 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 knowing 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;

''(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

''(E) transports or moves 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 enter or 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;

''(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; or

''(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

''(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—

''(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

''(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 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;

''(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

''(i) transporting the person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

''(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

''(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in terrorist activity;

''(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

''(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

''(A) for a religious denomination having a bona fide nonprofit, religious 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 not compensated 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) DEFINITION.—An alien described in this paragraph is an alien who—

''(A) is an unauthorized alien (as defined in section 274A(i));

''(B) is present in the United States without lawful authority; and

''(C) has been brought into the United States in violation of this subsection.

''(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.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury 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, remain 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 officer) during 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 shall have 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 Federal criminal laws.

''(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is 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; and

''(2) the deposition otherwise complies with the Federal Rules of Evidence.

''(f) OUTREACH PROGRAM.—

''(1) IN GENERAL.—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; and

''(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.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

''(g) DEFINITIONS.—In this section:

''(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

''(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

''Sec. 274. Alien smuggling and related offenses''.

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''any crime of violence'';

(B) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''such crime of violence'';

(C) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(2) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

''SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) CRIMINAL OFFENSES.—An alien shall be 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 failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

''(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, reporting, 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, 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 for a felony, 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 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 15 years, or both; and

''(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 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

''(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry''.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(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 is 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, shall be fined 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, 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 20 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; or

''(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 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under

title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

''(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

''(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

''(i) DEFINITIONS.—In this section:

''(1) CROSSES THE BORDER.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

''(2) FELONY.—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.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

''CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

''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
''1547. Marriage fraud
''1548. Attempts and conspiracies
''1549. Alternative penalties for certain offenses
''1550. Seizure and forfeiture
''1551. Additional jurisdiction
''1552. Additional venue
''1553. Definitions
''1554. Authorized law enforcement activities
''1555. Exception for refugees and asylees

''§ 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;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain 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, possesses, 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.

''§ 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);

''(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

''(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1543. Forgery and unlawful production of a passport

''(a) FORGERY.—Any person who—

''(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

''(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been 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 United States passport for or to any person not owing allegiance to 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.

''§ 1544. Misuse of a passport

''(a) IN GENERAL.—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.

''(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

''(1) to enter or to attempt to enter the United States; or

''(2) 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.

''§ 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 by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

''(1) to defraud 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.

''(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 knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 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 20 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.

''(d) DURATION OF OFFENSE.—

''(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

''§ 1548. Attempts and conspiracies

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as 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 25 years, or both.

''(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

''(1) knowing that such violation 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 civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury 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, the Secretary of State, or the Attorney General.

''§ 1551. Additional jurisdiction

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves 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 Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration 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 929(a)(2)) that affects or would affect 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. 1101(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; or

''(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:

''(1) The term 'falsely make' 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.

''(2) The term a 'false statement or representation' includes a personation or an omission.

''(3) 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.

''(4) 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, border 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.

''(5) 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).

''(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

''(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(8) 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 commonwealth, territory, or possession of the United States.

''§ 1554. Authorized law enforcement activities

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 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 asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

''(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

''(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

''(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

''(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

''75. Passport, visa, and immigration fraud .... 1541''.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

''(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).''.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after subclause (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,''.

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

''(iii) of a violation of any provision of chapter 75 of title 18, United States Code,''.

(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'') or shall develop and implement another program to—

(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.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in 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 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) INSTEAD OF REMOVAL PROCEEDINGS.—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 subsection instead of being subject to proceedings under section 240.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

''(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.'';

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

''(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

''(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.'';

(iv) in subparagraph (C), as redesignated, by striking ''subparagraphs (C) and(D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(v) in subparagraph (D), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(vi) in subparagraph (E), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(F) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subsection (b)(2), by striking ''a period exceeding 60 days'' and inserting ''any period in excess of 45 days'';

(3) by amending subsection (c) to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of

the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise 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 voluntary departure 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 subsection (a)(2) or (b).

''(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 shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.'';

(4) by amending subsection (d) to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

''(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

''(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon 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 does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''; and

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

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.''; and

(6) in subsection (f), by adding at the end the following: ''Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking ''seeks admission within 5 years of the date of such removal (or within 20 years'' and inserting ''seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal''; and

(2) in clause (ii), by striking ''seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of'' and inserting ''seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after''.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking ''Commissioner'' and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(c) INELIGIBILITY FOR RELIEF.—

''(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal 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;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));'';

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));''; and

(3) in subsection (y)—

(A) in the header, by striking ''**ADMITTED UNDER NONIMMIGRANT VISAS**'' and inserting ''**IN A NONIMMIGRANT CLASSIFICATION**'';

(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).'';

(C) in paragraph (2), by striking ''has been lawfully admitted to the United States under a nonimmigrant visa'' and inserting ''is in 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 (g)(5)(B)''.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN 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

''No 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 243, 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:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);''.

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

''(f) MINIMUM NUMBER OF AGENTS IN STATES.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

''(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

''(i) investigate immigration violations; and

''(ii) ensure the departure of all removable aliens; and

''(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

''(2) WAIVER.—The Secretary may waive 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:

''(i) 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 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 the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.''.

(b) EFFECTIVE DATE.—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) AUTHORIZATION OF APPROPRIATIONS.—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 Immigrations 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 Committee on the Judiciary of the Senate and the Committee on the Judiciary of 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 Immigrations 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.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''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, to, or on behalf of—

''(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

''(2) any alien 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 or benefit 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 subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

''Sec. 362. Construction''.

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

''(5) There are authorized to be appropriated to carry this subsection—

''(A) such sums as may be necessary for fiscal year 2007;

''(B) $750,000,000 for fiscal year 2008;

''(C) $850,000,000 for fiscal year 2009; and

''(D) $950,000,000 for each of the fiscal years 2010 through 2012.''.

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days 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—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or

through State or local grants, relating to border security expenses.

(d) 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. 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 recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in chapter 75 of title 18, United States Code, and''; and

(2) by inserting the following: ''that is not described in section 1548 of such title (relating to increased penalties), and'' after ''first offense''.

SEC. 223. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (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 adding at the end the following: ''If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by adding at the end the following:

''(d) ADDRESS TO BE PROVIDED.—

''(1) IN GENERAL.—Except as otherwise provided by the Secretary 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 at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) DETENTION.—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 with 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 nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); 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 send to the alien 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 may rely on the most recent address provided by the alien under section 239(a)(1)(F) 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)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—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''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

''(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

''(1) CRIMINAL PENALTIES.—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 6 months, or both.

''(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien 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 as required under section 265, the alien 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''; and

(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 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: ''If such training is provided by a State or political subdivision of a State to an officer or employee of such 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.''; and

(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 UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''and before June 1, 2006.''.

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ''expedited removal of criminal aliens'';

(2) in subsection (a), by striking the subsection heading and inserting: ''EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—'';

(3) in subsection (b), by striking the subsection heading and inserting: ''REMOVAL OF CRIMINAL ALIENS.—'';

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an 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.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(A) has not been lawfully admitted to the United States for permanent residence; and

''(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).'';

(5) in the subsection (c) that relates to presumption of deportability, by striking ''convicted of an aggravated felony'' and inserting ''described in subsection (b)(2)'';

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking '', who is deportable under this Act,''.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(B) by adding at the end the following new subclause:

''(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.''.

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking ''and who arrives by aircraft at a port of entry'' and inserting ''and—''; and

(B) by adding at the end the following:

''(i) who arrives by aircraft at a port of entry; or

''(ii) who is present in the United States and arrived in any manner at or between a port of entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking ''Any'' and inserting ''Except as provided in clause (vii), any'';

(2) in subparagraph (A), by inserting after clause (vi) the following:

''(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''Any alien'' and inserting the following: ''(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(vii))'' after ''citizen of the United States'' each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or 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 a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

''(g) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 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. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out 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 office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for

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 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—

"(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

"(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

"(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

"(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

"(4) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport; or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

"(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche,

microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Comprehensive Immigration Reform Act of 2006—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

''(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth and, if the individual was born in the United States, the State in which such individual was born;

''(II) the individual's social security account number;

''(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

''(iii) EIN REQUIREMENTS.—

''(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

''(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

''(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until

such notice becomes final under clause (iii), or the earlier of—

''(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

''(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

''(vi) AUTOMATIC FINAL NOTICE.—

''(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

''(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

''(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

''(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

''(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

''(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

''(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

''(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

''(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

''(i) an error or negligence on the part of an employee or official operating or responsible for the System;

''(ii) the decision rules, processes, or procedures utilized by the System; or

''(iii) erroneous system information that was not the result of acts or omissions of the individual.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

''(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are

based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

''(12) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

''(14) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

''(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

''(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

''(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

''(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

''(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to

such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

''(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

''(l) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

''(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, employer identification number, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

''(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

''(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

''(i) establishing and enforcing employer participation in the System,

''(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

''(iii) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

''The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)'', and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''.

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208;

''(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

''(vi) granted temporary protected status under section 244; or

''(vii) granted parole under section 212(d)(5).''.

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(B) to use the verification system for screening of an applicant prior to an offer of employment;

''(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).''.

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(B) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(C) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(D) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2007 through 2009'' before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) EFFECTIVE DATE.—Any regulation that would increase the number of aliens who are eligible for legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) STUDY.—The Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on the infrastructure of and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study required by subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant populations of the United States, as they relate to the total population.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States over the next 50 years, which regions of the country are likely to experience the largest increases, which small towns and rural counties are likely to lose their character as a result of such growth, and how the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of nonrenewable 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 effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture and services in which the foreign born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, 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 enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to those 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 access to quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current median standards, 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 associated public costs, 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 (other than services described in clause (ii)(a) or subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model;

''(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);

''(b1)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A);

''(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 212(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

''(ii)(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 agricultural labor (as defined in section 3121(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. 203(f))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

''(b) who—

''(aa) has a residence in a foreign country which the alien has no intention of abandoning;

''(bb) is coming temporarily to the United States to perform nonagricultural work or services of a temporary or seasonal nature (if unemployed persons capable of performing such work or services cannot be found in the United States), excluding medical school graduates coming to the United States to perform services as members of the medical profession; or

''(c) who—

''(aa) has a residence in a foreign country which the alien has no intention of abandoning;

''(bb) is coming temporarily to the United States to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(c), (ii)(a), or (iii), or subparagraph (L), (O), (P), or (R) (if unemployed persons capable of performing such labor or services cannot be found in the United States); and

''(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

''(iii) who—

''(a) has a residence in a foreign country which the alien has no intention of abandoning; and

''(b) is coming temporarily to the United States as a trainee (other than to receive graduate medical education or training) in a training program that is not designed primarily to provide productive employment; or

''(iv) who—

''(a) is the spouse or a minor child of an alien described in this subparagraph; and

''(b) is accompanying or following to join such alien.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

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. ADMISSION OF H–2C NONIMMIGRANTS.

''(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 in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

''(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 establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(ii)(c).

''(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of 218B.

''(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal 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 to the Secretary a completed application, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirements under paragraphs (1) and (2).

''(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for 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.

''(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

''(i) the alien has read and understands all of the questions and statements on the application form;

''(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

''(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) GROUNDS OF INADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's admissibility as an H–2C nonimmigrant—

''(A) paragraphs (5), (6)(A), (7), (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date of the Comprehensive Immigration Reform Act of 2006;

''(B) the Secretary of Homeland Security may not waive the application of—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraph (A), (C) or (D) of section 212(a)(10) (relating to polygamists and child abductors); and

''(C) for conduct that occurred before the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien—

''(i) for humanitarian purposes;

''(ii) to ensure family unity; or

''(iii) if such a waiver is otherwise in the public interest.

''(2) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as an H–2C nonimmigrant shall establish that the alien is not inadmissible under section 212(a).

''(d) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking H–2C nonimmigrant status unless all appropriate background checks have been completed.

''(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An H–2C nonimmigrant may not change nonimmigrant classification under section 248.

''(f) PERIOD OF AUTHORIZED ADMISSION.—

''(1) AUTHORIZED PERIOD AND RENEWAL.—The initial period of authorized admission as an H–2C nonimmigrant shall be 3 years, and the alien may seek 1 extension for an additional 3-year period.

''(2) INTERNATIONAL COMMUTERS.—An alien who resides outside the United States and commutes into the United States to work as an H–2C nonimmigrant, is not subject to the time limitations under paragraph (1).

''(3) LOSS OF EMPLOYMENT.—

''(A) IN GENERAL.—

''(i) PERIOD OF UNEMPLOYMENT.—Subject to clause (ii) and subsection (c), the period of authorized admission of an H–2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

''(ii) EXCEPTION.—The period of authorized admission of an H–2C nonimmigrant shall not terminate if the alien is unemployed for 60 or more consecutive days if such unemployment is caused by—

''(I) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(II) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

''(III) any other period of 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; and

''(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(B) EFFECT 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, if—

''(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 265;

''(B) the alien is inadmissible as a nonimmigrant; or

''(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H–2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H–2C nonimmigrant status.

''(g) EVIDENCE OF NONIMMIGRANT STATUS.—Each H–2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

''(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

''(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

''(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid entry 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) shall be issued to the H–2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H–2C nonimmigrant status.

''(h) PENALTY FOR FAILURE TO DEPART.—If an H–2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien's authorized period of admission as an H–2C nonimmigrant terminates, the H–2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 208 and 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

''(i) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—Any alien who enters, attempts to enter, or crosses the border after the date of the enactment of this section, and is physically present in the United States after such date in violation of this Act or of any other Federal law, may not receive, for a period of 10 years—

''(1) any relief under section 240A(a), 240A(b)(1), or 240B; or

''(2) nonimmigrant status under section 101(a)(15) (except subparagraphs (T) and (U)).

''(j) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H–2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

''(1) the employer complies with section 218B; and

''(2) the alien, after lawful admission to the United States, did not work without authorization.

''(k) CHANGE OF ADDRESS.—An H–2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

''(l) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(c).

''(m) ISSUANCE OF H–4 NONIMMIGRANT VISAS FOR SPOUSE AND CHILDREN.—

''(1) IN GENERAL.—The alien spouse and children of an H–2C nonimmigrant (referred to in this section as 'dependent aliens') who are accompanying or following to join the H–2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

''(2) REQUIREMENTS FOR ADMISSION.—A dependent alien is eligible for nonimmigrant status under 101(a)(15)(H)(iv) if the dependent alien meets the following requirements:

''(A) ELIGIBILITY.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H–4A nonimmigrant status listed under subsection (c).

''(B) MEDICAL EXAMINATION.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien shall submit to a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

''(C) BACKGROUND CHECKS.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

''(n) DEFINITIONS.—In this section and sections 218B, 218C, and 218D:

''(1) AGGRIEVED PERSON.—term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

''(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

''(B) a representative for workers whose jobs, wages, or working conditions are 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 individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

''(7) H–2C NONIMMIGRANT.—The term 'H–2C nonimmigrant' means a nonimmigrant described in section 101(a)(15)(H)(ii)(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 equivalent or higher compensation and benefits 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 employed 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. 404. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A, as added by section 403, the following:

"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 occupation and 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 a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

"(A) Submit a copy of the job 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 that serves the area of employment in the State in which the employer is located.

"(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

"(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

"(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

"(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, notwithstanding any other valid employment criteria.

"(c) PETITION.—A petition to hire 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 from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

"(2) WAGES.—

"(A) IN GENERAL.—The H–2C nonimmigrant will be paid not less than the greater of—

"(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

"(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement.

"(ii) If the job opportunity is not covered by such an agreement and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

"(iii)(I) If the job opportunity is not covered by such an agreement and it is in an occupation that is not covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing wage level on another wage survey approved by the Secretary of Labor.

"(II) The Secretary shall promulgate regulations applicable to approval of such other wage surveys that require, among other things, that the Bureau of Labor Statistics determine such surveys are statistically viable.

"(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 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 in the occupation at the place of employment at which the H–2C nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the petition, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(5) PROVISION OF INSURANCE.—If the position for which the H–2C nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the H–2C nonimmigrant, 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 workers' compensation law for comparable employment.

"(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) NO BARGAINING REPRESENTATIVE.—If there is no such bargaining representative, the employer has—

"(i) posted a notice of the filing of the petition in a conspicuous location at the place or places of employment for which the H–2C nonimmigrant is sought; or

"(ii) electronically disseminated such a notice to the employer's employees in the occupational classification for which the H–2C nonimmigrant is sought.

"(7) RECRUITMENT.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition; and

"(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

"(i) 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.

"(8) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

"(9) 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 services;

"(B) 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.

"(10) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

"(A) be provided to every H–2C nonimmigrant employed under the petition;

"(B) be made available for public examination at the employer's place of business or work site;

"(C) be made available to the Secretary of Labor during any audit; and

"(D) remain available for examination for 5 years after the date on which the petition is filed.

"(11) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H–2C nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

"(12) ACTUAL NEED FOR LABOR OR SERVICES.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H–2C nonimmigrant is sought.

"(d) AUDIT OF ATTESTATIONS.—

"(1) REFERRALS BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall refer all approved petitions for H–2C nonimmigrants to the Secretary of Labor for potential audit.

"(2) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

"(e) INELIGIBLE EMPLOYERS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall not approve an employer's petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program if the Secretary of

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;

''(ii) made a fraudulent statement; or

''(iii) failed to comply with the terms of such attestations; or

''(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

''(2) LENGTH OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years.

''(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS.—Beginning on the date that is 1 year after the date of the enactment of the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006, the Secretary of Homeland Security may not approve any employer's petition under subsection (b) if the work to be performed by the H–2C nonimmigrant is not agriculture based and is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for workers who have not completed any education beyond a high school diploma during the most recently completed 6-month period averaged more than 9.0 percent.

''(f) REGULATION OF FOREIGN LABOR CONTRACTORS.—

''(1) COVERAGE.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

''(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant shall not be denied any right or any remedy under Federal, State, or 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.

''(3) 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.

''(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, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

''(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

''(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

''(h) LABOR RECRUITERS.—

''(1) 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 place of employment;

''(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;

''(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 owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

''(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

''(i) work related injuries and death during the period of employment;

''(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

''(iii) the name and the telephone number of each person who must be notified of an injury or death; and

''(iv) the time period within which such notice must be given;

''(J) any education or training to be provided or required, including—

''(i) the nature and cost of such training;

''(ii) the entity that will pay such costs; and

''(iii) whether the training is a condition of employment, continued employment, or future employment; and

''(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

''(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

''(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

''(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) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

''(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

''(7) OTHER WORKER PROTECTIONS.—

''(A) NOTIFICATION.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

''(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

''(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

''(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

''(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);

''(II) an expeditious means to update registrations and renew certificates; and

''(III) any other requirements that the Secretary may prescribe.

''(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

''(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—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 subparagraph if—

''(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

''(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

''(aa) is a person who has been refused issuance or renewal of a certificate;

''(bb) has had a certificate suspended or revoked; or

''(cc) does not qualify for a certificate under this paragraph; or

''(III) the applicant for or holder of the certification has failed to comply with this Act.

''(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (h) and (i). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

''(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

''(E) WRITTEN AGREEMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

''(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

''(i) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

''(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

''(3) REASONABLE CAUSE.—The Secretary of Labor 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 if there is reasonable cause to find such a violation.

''(4) NOTICE AND HEARING.—

''(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 interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

''(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

''(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor 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 may bring an action in any court of competent jurisdiction—

''(A) to seek remedial action, including injunctive relief;

''(B) to recover the damages described in subsection (i); or

''(C) 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 civil 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.

''(j) PENALTIES.—

''(1) 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—

''(A) back wages;

''(B) benefits; and

''(C) civil monetary penalties.

''(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

''(A) for a violation of subsection (e) or (f)—

''(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

''(ii) if the violation was willful violation, 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)—

''(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

''(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 286(w).

''(4) CRIMINAL 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 may be imprisoned for not more than 6 months, 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 403, 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 to enable the Secretary of Homeland Security to determine—

''(A) if the nonimmigrant is employed;

''(B) which employers have hired an H–2C nonimmigrant;

''(C) the number of H–2C nonimmigrants that an employer is authorized to hire and is currently employing;

''(D) 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 nonimmigrant workers; and

''(4) permit employers to submit applications under this section in an electronic form.''.

(b) 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 218B, as added by section 404, the following:

''Sec. 218C. Alien employment management system''.

SEC. 406. RULEMAKING; EFFECTIVE DATE.

(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.

(b) EFFECTIVE DATE.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.

(a) ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(b) RECRUITMENT OF UNITED STATES WORKERS.—

(1) POSTING.—An employer shall attest that the employer has posted an employment opportunity at a prevailing wage level (as described in section 218B(b)(2)(C) of the Immigration and Nationality Act).

(2) RECORDS.—An employer shall maintain records for not less than 1 year after the date on which an H–2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for such position.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records for the purpose of audit or investigation.

(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. 408. 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) PURPOSES.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(c) on the wages, working conditions, and employment of 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)(ii)(c).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 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 chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(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.

(d) QUALIFICATIONS.—

(1) IN GENERAL.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(B) representative of a broad cross-section of perspectives 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 appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) 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(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(C) under section 101(a)(15)(H)(ii)(c) may not exceed 200,000.''.

(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

''(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available, subject to the numerical limitations set out in sections 201(d) and 203(b), to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

''(A) by the alien's employer; or

''(B) by the alien, if—

''(i) the alien has been employed in H–2C status for a cumulative period of not less than 4 years;

''(ii) an employer attests that the employer will employ the alien in the offered job position;

''(iii) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position; or

''(iv) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be, employed; and

''(v) the alien submits at least 2 documents to establish current employment, as follows:

''(I) Records maintained by the Social Security Administration.

''(II) Records maintained by the alien's employer, such as pay stubs, time sheets, or employment work verification.

''(III) Records maintained by the Internal Revenue Service.

''(IV) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

''(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

''(A) is physically present in the United States; and

''(B) establishes that the alien meets the requirements of section 312.

''(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

''(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

''(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 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.''.

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, shall negotiate with each home country of aliens 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 requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers.

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'';

(B) in subclause (I), by inserting before the semicolon, '', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials'';

(C) in subclause (III), by inserting ''where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials,'' before ''whose''; and

(D) by striking ''or'' at the end; and

(2) in clause (ii)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''1956,'' and all that follows through ''the alien;'' and inserting the following: ''1956; or

''(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

''(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

''(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

''and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;''.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking ''The number of aliens'' and all that follows through the period and inserting the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.''.

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)

(i) by striking ''The Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(ii) by striking ''concerning—'' and inserting ''that includes—'';

(B) in subparagraph (D), by striking ''and'';

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting at the end the following:

''(F) 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;

''(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

''(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.''.

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

''(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, 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. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case'' and inserting ''Except as provided in subparagraph (H), in the case''; and

(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

the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until 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);

''(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.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), 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 those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(H)(i) 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).

''(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

''(I) 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 State to verify a company or facility's existence in the United States and abroad.''.

SEC. 412. COMPLIANCE INVESTIGATORS.

The Secretary of Labor shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for compliance investigators dedicated to enforcing compliance with this title, and the amendments made by this title.

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY ADMISSION.—

''(A) DEFINITION OF MATERIAL SUPPORT.—In this paragraph, the term 'material support' means the current provision of the equivalent of, but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support, or a military presence.

''(B) DESIGNATION 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 compromise the law enforcement interests of the United States.

''(C) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (B)(iii) shall only take into account any refusal rates or overstay rates after the expiration of the first full year of the country's admission into the European Union.

''(D) FULL COMPLIANCE.—Not later than 2 years after the date of a country's designation 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) is likely to achieve 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 each of the subsequent fiscal years 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 LEGISLATION.

(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 of law;

(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.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION 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; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying 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.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF 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.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made 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 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.

(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 longer 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.

(c) 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 court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) 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) 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.

(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.

(e) 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.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(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 the 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 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring 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 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

''(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

''(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(C) the difference between—

''(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

''(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

''(2) VISAS FOR SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

''(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

''(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.''.

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''.

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(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 as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

''(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class 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.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—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 the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''15 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''15 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—

''(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

''(B) PRIORITY IN ALLOCATING VISAS.—In allocating visas under subparagraph (A) for each of the fiscal years 2007 through 2017, the Secretary shall reserve 30 percent of such visas for qualified immigrants who were physically present in the United States before January 7, 2004.''; and

(8) by striking paragraph (6).

(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 ''subparagraph (A) or (B) of''.

(d) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 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)(i) Aliens admitted under section 211(a) on 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 21 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 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, for purposes 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)(ii) before the earlier of—

''(I) 2 years after such date; or

''(II) the date on which the spouse remarries.

''(iv) In this clause, an alien who has filed a petition under clause (iii) 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 visit abroad.''.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by striking ''in the second sentence of section 201(b)(2)(A)(i) 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)(i) 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—

''(I) who is otherwise described in section 203(b); and

''(II) 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 workers able, willing, 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.

''(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 NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED 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),'' 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 newly licensed nurses 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 professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, 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) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII 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 arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

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 ''; or''; and

(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, immigration, or other designated 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)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, 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 subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

''(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) 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 the alien. For purposes of 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 subsection (a)(27)(N) 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 any 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, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

''(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall 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.

''(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).''.

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—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 on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the United States 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 database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under 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 (i).

(B) 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.

(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 database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an 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 except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking ''he has no intention of abandoning, who is'' and inserting the following: ''except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

''(I)'';

(B) by striking ''consistent with section 214(l)'' and inserting ''(except for a graduate program described in clause (iv)) consistent with section 214(m)'';

(C) by striking the comma at the end and inserting the following: ''; or

''(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;'';

(2) in clause (ii)—

(A) by inserting ''or (iv)'' after ''clause (i)''; and

(B) by striking '', and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree; and

''(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve a distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days.''

(b) CREATION OF J–STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

''(J) an alien with a residence in a foreign country that (except in the case of an alien described in clause (ii)) the alien has no intention of abandoning, who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

''(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii)) designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

''(ii) has been accepted and plans to attend an accredited graduate program in the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.

''(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking 'subparagraph (L) or (V)' and inserting 'subparagraph (F)(iv), (J)(ii), (L), or (V)'.

''(d) REQUIREMENTS FOR F–4 OR J–STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

''(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting ''(1)'' before ''No person'';

(2) by striking ''admission (i) whose'' and inserting the following: ''admission—

''(A) whose

''(3) by striking ''residence, (ii) who'' and inserting the following: ''residence;

''(B) who

''(4) by striking ''engaged, or (iii) who'' and inserting the following: ''engaged; or

''(C) who

''(5) by striking ''training, shall'' and inserting the following: ''training,

shall

''(6) by striking ''United States: *Provided,* That upon'' and inserting the following: ''United States.

''(2) Upon'';

(7) by striking ''section 214(l): And provided further, That, except'' and inserting the following: ''section 214(l).

''(3) Except''; and

(8) by adding at the end the following:

''(4) An alien who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(J)(ii), or who would have qualified for such nonimmigrant status if section 101(a)(15)(J)(ii) had been enacted before the completion of such alien's graduate studies, shall not be subject to the 2-year foreign residency requirement under this subsection.''

(f) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(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 alien 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).

(g) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security 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;

''(C) the alien is admissible to the United States for permanent residence; and

''(D) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

''(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 if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before the completion of such alien's graduate studies;

''(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 subparagraph (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.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

''(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—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 a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

''(5) 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 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 fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.''

(h) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(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(v)(1) (8 U.S.C. 1356(v)(1)) 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. 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 the following:

''(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

''(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(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)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (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(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(ii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end;

(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 math.'';

(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 (1)(A)—

''(A) 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.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants

with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 505 and 508, is further amended by adding at the end the following:

''(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and are the children of a citizen of the United States who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).''.

SEC. 510. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS OF EXTRAORDINARY ARTISTIC ABILITY.

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by Striking ''Any person'' and inserting ''(i) Except as provided in clause (ii), any person''; and

(B) adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an opportunity, as appropriate, to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SEC. 511. POWERLINE WORKERS.

Section 214(e) (8 U.S.C. 1184(e)) is amended by adding at the end the following new paragraph:

''(7) A citizen of Canada who is a powerline worker, who has received significant training, and who seeks admission to the United States to perform powerline repair and maintenance services shall be admitted in the same manner and under the same authority as a citizen of Canada described in paragraph (2).''.

SEC. 512. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting ''(6)(C)(i),'' after ''(6)(A),''.

Subtitle B—SKIL Act

SEC. 521. SHORT TITLE.

This subtitle may be cited as the ''Securing Knowledge, Innovation, and Leadership Act of 2006'' or the ''SKIL Act of 2006''

SEC. 522. H–1B VISA HOLDERS.

(a) IN GENERAL.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking ''nonprofit research'' and inserting ''nonprofit'';

(B) by inserting ''Federal, State, or local'' before ''governmental''; and

(C) by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by striking ''a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))),'' and inserting ''an institution of higher education in a foreign country,''; and

(B) by striking the period at the end and inserting a semicolon;

(3) by adding at the end, the following new subparagraphs:

''(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States; or''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition

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'';

(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 (B)(iv) and (D);

(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 (1)(A)—

''(A) 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:

''(F) Aliens who have earned a master's or higher degree from an accredited United States university.

''(G) Aliens who have been awarded medical 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 will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient United States workers able, willing, 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, or math and have been working in a related field in the United States in a nonimmigrant 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)(2)(B).

''(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting ''; or''; and

(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 been awarded 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—

''(i) who—

''(I) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, or the sciences leading to a bachelors 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. 1001(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, 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 of learning 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;

''(ii) 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 established college, university, seminary, conservatory, academic high 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 of learning 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 is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

''(iv) who—

''(I) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; or

''(II) is engaged in temporary employment for optional practical training related to such the student'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;''.

(2) ADMISSION.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting ''(F)(i),'' before ''(L) or (V)''.

(3) CONFORMING AMENDMENT.—Section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking ''(i) or (iii)'' and inserting ''(i), (ii), or (iv)''.

(b) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F), as amended by subsection (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 if—

(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 alien 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).

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:

''(G) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 204(b) to accord the alien immigrant 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 245(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)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(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 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) SUPPLEMENTAL FEE.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (E) or (F) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

''(3) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa become available.''.

(b) USE OF FEES.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end ''and the fees collected under section 245(a)(2).''.

SEC. 528. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

''(1) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006, the Secretary of Homeland Security shall establish a pre-certification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.''.

SEC. 529. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) APPEALS.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

SEC. 530. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) PREVAILING WAGE RATE.—

(1) REQUIREMENT TO PROVIDE.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary of Labor may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary of Labor fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary of Labor determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions 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).

(c) 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 524(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 the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) 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 regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

SEC. 531. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, 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 the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

''(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, until 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 has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

''(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 the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

''(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (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:

''(i) The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

''(1) such visa expired during the 12-month period ending on the date of such application;

''(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

''(3) the alien has complied with the immigration laws and regulations of the United States.''.

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting ''and except as provided under subsection (i),'' after ''Act''.

Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims

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 voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 543. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 544. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.''.

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 545. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if

the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under 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) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 546. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 547. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 548. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters.

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 549. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 550. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 551. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 552. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any Federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 553. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act'') or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 554. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 555. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F),

(J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

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 245A the following:

''SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

''(a) ADJUSTMENT OF STATUS.—

''(1) PRINCIPAL ALIENS.—Notwithstanding any other provision of law, including section 244(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:

''(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

''(B) CONTINUOUS PHYSICAL PRESENCE.—

''(i) IN GENERAL.—The alien shall establish that the alien—

''(I) was physically present in the United States on or before 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) did 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.

''(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

''(D) EMPLOYMENT IN 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.

''(ii) 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 cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

''(III) 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 time period beginning on such date of enactment and ending on the date on which the individual reaches 20 years of age.

''(IV) The employment requirements in 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) The employment requirement under clause (i)(I) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

''(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

''(iv) EVIDENCE OF EMPLOYMENT.—

''(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

''(aa) Records maintained by the Social Security Administration.

''(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

''(cc) Records maintained by the Internal Revenue Service.

''(dd) Records maintained by a union or day labor center.

''(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

''(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

''(aa) bank records;

''(bb) business records;

''(cc) sworn affidavits from 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 the evidence that the alien has satisfied the employment requirements in clause (i). Once the burden is met, the burden shall shift to the Secretary of Homeland Security to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

''(E) PAYMENT OF INCOME TAXES.—

''(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

''(I) no such tax liability exists;

''(II) all outstanding liabilities have been paid; or

''(III) the alien has 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 year 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 subparagraph.

''(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

''(I) no such tax liability exists;

''(II) all outstanding liabilities have been met; or

''(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

''(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.

''(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 those requirements because of a physical or developmental disability or mental impairment.

''(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

''(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(H) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

''(I) ADJUSTMENT OF STATUS.—The Secretary may not adjust the status of an alien under this section to that of lawful permanent resident until the Secretary determines that the priority dates have become current for the class of aliens whose family-based or employment-based petitions for permanent residence were pending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(2) SPOUSES AND CHILDREN.—

''(A) IN GENERAL.—

''(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

''(I) the spouse, or child who was under 21 years of age on the date of enactment of the Immigrant Accountability Act of 2006, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

''(II) an alien who, within 5 years preceding the date of enactment of the Immigrant 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; or

''(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

''(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

''(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

''(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

''(b) GROUNDS OF INADMISSIBILITY.—

''(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

''(A) Paragraph (1) (relating to health).

''(B) Paragraph (2) (relating to criminals).

''(C) Paragraph (3) (relating to security and related grounds).

''(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

''(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9) (other than subparagraph (C)(i)(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 (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

''(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

''(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

''(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

''(6) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

''(7) INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

''(i) the alien has been ordered removed from the United States—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—

''(i) entered without inspection;

''(ii) failed to maintain status; or

''(iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006,

and—

''(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

''(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(iii) the alien's departure from the United States now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(c) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

''(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

''(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

''(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

''(D) shall not be considered an unauthorized alien as defined in section 274A(i) until such time as employment authorization under subparagraph (A) is denied.

''(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

''(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

''(B) reflects the benefits and status set forth in paragraph (1).

''(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

''(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

''(e) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

''(B) make any publication through which the information furnished by any particular applicant can be identified; or

''(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a

national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

''(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person to—

''(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

''(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

''(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

''(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

''(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

''(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

''(i) APPLICATION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

''(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

''(2) ADMINISTRATIVE REVIEW.—

''(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

''(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

''(3) JUDICIAL REVIEW.—

''(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

''(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

''(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

''(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

''(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

''(l) EMPLOYER PROTECTIONS.—

''(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

''(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

''(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

''(m) AUTHORIZATION OF FUNDS; FINES.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security such sums as are necessary to commence the processing of applications filed under this section.

''(2) FINE.—An alien who files an application under this section shall pay a fine commensurate with levels charged by the Department of Homeland Security for other applications for adjustment of status.

''(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,000, but such amount shall not be required from an alien under the age of 18.

''(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under paragraphs (2) and (3) in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

''(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

''(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

''(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section.

''(5) STATE IMPACT ASSISTANCE FEE.—

''(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to—

''(i) $750 for the principal alien; and

''(ii) $100 for the spouse and each child described in subsection (a)(2).

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

''(n) MANDATORY DEPARTURE AND REENTRY.—Any alien who was physically present in the United States on January 7, 2004, who seeks to adjust status under this section, but does not satisfy the requirements of subparagraph (B) or (D) of subsection (a)(1), shall be eligible to depart the United States and to seek admission as a nonimmigrant or an immigrant alien described in section 245C.

''(o) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date of enactment of the Immigrant Accountability Act of 2006, the Secretary of Homeland Security shall issue regulations to implement this section.''.

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

''245B. Access to Earned Adjustment''.

(c) MANDATORY DEPARTURE AND REENTRY.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after section 245B the following:

''SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

''(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

''(b) REQUIREMENTS.—Notwithstanding section 244(h), an alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

''(1) PRESENCE.—The alien shall establish that the alien—

''(A) was physically present in the United States on January 7, 2004;

''(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

''(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

''(2) EMPLOYMENT.—

''(A) IN GENERAL.—The alien shall establish that the alien—

''(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

''(ii) has been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

''(B) EVIDENCE OF EMPLOYMENT.—

''(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

''(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

''(II) an employer; or

''(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

''(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

''(I) bank records;

''(II) business records;

''(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

''(IV) remittance records.

''(iii) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

''(iv) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

''(C) EXEMPTION.—The employment requirement under subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

''(3) ADMISSIBILITY.—

''(A) IN GENERAL.—The alien shall establish that such alien—

''(i) is admissible to the United States, except as provided as in (B); and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9)(B) of section 212(a) shall not apply.

''(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(4) 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—

''(I) for overstaying the period of authorized admission under section 217;

''(II) under section 235 or 238; or

''(III) pursuant to a final order of removal under section 240;

''(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

''(iii) the alien is subject to section 241(a)(5);

''(iv) the Secretary of Homeland Security determines that—

''(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

''(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

''(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(v) the alien has been convicted of a felony or 3 or more misdemeanors.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

''(i) entry into the United States without inspection;

''(ii) remaining in the United States beyond the period of authorized admission; or

''(iii) failure to maintain legal status while in the United States.

''(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien was ordered removed on the basis that the alien—

''(i) entered without inspection;

''(ii) failed to maintain status; or

''(iii) was ordered removed under 212(a)(6)(C)(i) prior to April 7, 2006,

and—

''(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

''(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

''(iii) the alien's departure from the United States now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

''(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

''(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

''(B) the alien commits an act that makes the alien removable from the United States.

''(7) APPLICATION CONTENT AND WAIVER.—

''(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

''(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

''(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to judicial review or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

''(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

''(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3

months after the date 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 6 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) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date 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) IN GENERAL.—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.

"(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 grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

"(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure 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) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

"(3) 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 location 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) APPROVAL.—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) US–VISIT.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry at which the US–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 requirement 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 under this paragraph.

"(4) EFFECT OF READMISSION ON SPOUSE OR CHILD.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

"(A) deemed to have departed under this section upon the successful admission of the principal alien; and

"(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

"(5) WAIVERS.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

"(A) is granted an immigrant or nonimmigrant visa; and

"(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

"(6) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

"(A) shall not be subject to section 212(a)(9)(B);

"(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant; and

"(C) is eligible to be employed by an employer in the United States regardless of whether the employer has complied with the requirements of section 218B(b)(7).

"(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(8) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to—

"(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

"(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

"(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

"(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(c).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure 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 establish at the time of application for admission that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) PROHIBITION ON 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 248.

"(2) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification 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.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(3) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien seeking Deferred Mandatory Departure status shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to $750.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject to subsection (f)(4), the spouse or child of an alien granted

Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

''(2) APPLICATION FEE.—

''(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 $500.

''(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

''(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 286(x).

''(l) EMPLOYMENT.—

''(1) 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 must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. 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 Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

''(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

''(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right 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, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

''(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

''(1) any judgment regarding the granting of relief under this section; or

''(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 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 which judicial review is authorized under a subsequent paragraph of this subsection.

''(2) CHALLENGES TO VALIDITY.—

''(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

''(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority 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.''.

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

''245C. Mandatory Departure and Reentry''.

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) 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 substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF 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.

(d) CORRECTION 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,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.''.

(e) STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (w) the following:

''(x) STATE IMPACT ASSISTANCE ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

''(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State impact assistance fees collected under section 245B(m)(5) and subsections (j)(3) and (k)(3) of section 245C.

''(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may only 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 and education services to noncitizens in accordance with this paragraph.

''(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

''(i) 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 subclause (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.

''(ii) 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, so 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.

''(iii) LEGISLATIVE APPROPRIATIONS.—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 by States under this paragraph shall be distributed to units of local government based on need and function.

''(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (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 receiving 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, and 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 each State 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 under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). 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 613(a).

(3) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, 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) WORK DAY.—The term ''work day'' 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 of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (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 authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(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 to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures

promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (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, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(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—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $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—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has 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 year during the period of employment required under paragraph (1)(A) 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 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 applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(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 APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(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 on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

SEC. 614. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(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) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(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.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) 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 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.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(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.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E through 218G.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.''; and

(2) by inserting after section 218D, as added by section 601 of this Act, the following:

''SEC. 218E. H–2A EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—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 accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing

under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(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 in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this 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 of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) 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.

''(II) 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.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(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—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(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 for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job 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 FREEZE.—

''(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 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.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 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 not required by law which the employer 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 Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating

the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) 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;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed 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 for a work day, when the worker 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 in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '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 required 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, before the guarantee in subparagraph (A) is fulfilled, the employer 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 transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(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) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) 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 workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(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 subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of 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 the employer, 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 employer 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 section, 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 enter into 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 from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218F. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States 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(e)(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 assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will 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) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(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 nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(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 is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—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).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(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 be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) 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 paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(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.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(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 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 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) 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.—

''(i) 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) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1⁄5 the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(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—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of an eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218G. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218E(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218E(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218E.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218E(b)(1).

''(2) The reimbursement of transportation as required under section 218E(b)(2).

''(3) The payment of wages required under section 218E(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218E(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218E(b)(4).

''(6) The motor vehicle safety requirements under section 218E(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service

is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 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)(1) is withdrawn 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 or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under 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 enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—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 employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 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.

''(2) 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 manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of 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 shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218H. DEFINITIONS.

''For purposes of this section, section 218, and sections 218E through 218G:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218E(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended—

(1) by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications''

and

(2) by inserting after the item relating to section 218D, as added by section 601 of this Act, the following:

''Sec. 218E. H–2A employment requirements
''Sec. 218F. Procedure for admission and extension of stay of H–2A workers
''Sec. 218G. Worker protections and labor standards enforcement
''Sec. 218H. Definitions''.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out 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 under this subtitle and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218E, 218F, and 218G of the Immigration and Nationality Act, as added by section 615 of this Act, shall take effect on the effective date of section 615 and 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 abandoned employment pursuant to subsection 218F(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218F(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

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) 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. 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.

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.—

(1) 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 lawfully admitted for permanent residence, subject to the conditional basis described in section 625, 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 violation was committed; 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 (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a

general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary may not remove any alien who has a pending application for conditional status under this subtitle.

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 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).

(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 paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this subtitle with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this subtitle, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 624(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 subtitle.

(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 subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident 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 to 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 as extended by the Secretary in accordance with this subtitle. 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 an alien under subsection (c)(1) shall contain information to permit the Secretary 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 624(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 such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that 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.

(D) 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 or higher 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) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the 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 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 and 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. 626. RETROACTIVE BENEFITS.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 624(a)(1) and section 625(d)(1)(D), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 624. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 625(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 625(d)(1) during the entire period of conditional residence.

SEC. 627. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary shall have exclusive jurisdiction to determine eligibility for relief under this subtitle, 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 subtitle, 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 entered the Secretary shall resume all powers and duties delegated to the Secretary under this subtitle.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 624(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 the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 628. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing 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. 629. 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 subtitle to initiate removal proceedings against any persons 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 the Secretary 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).

(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. 630. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that applications under this subtitle 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. 631. 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 adjusts status to that of a lawful permanent resident under this subtitle shall be eligible only for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa 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 under 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); and

(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 APPLICATION PERIOD.

(a) LIMITATIONS ON INELIGIBILITY.—

(1) IN GENERAL.—An alien is not ineligible for any 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 75 of title 18, 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.

(2) PROSECUTION.—An alien who commits a violation of such section 1543, 1544, or 1546 during the period beginning on the date 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.

(b) 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 unless the alien has engaged in criminal conduct or is a threat to the national security of the United States.

SEC. 642. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

(a) GRANTS AUTHORIZED.—The Assistant Attorney General, Office of Justice Programs, may award grants to qualified nonprofit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding the provisions of this Act and the amendments made by this Act.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded under this section shall be used—

(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 nonprofit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation.

(2) EDUCATION.—In addition to the purposes described in paragraph (1), grants awarded under this section shall be used to—

(A) educate immigrant communities and other interested entities regarding—

(i) the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary; and

(ii) the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(B) educate interested entities regarding the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary;

(C) provide nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(D) educate nonprofit community organizations, immigrant communities, and other interested entities regarding—

(i) the process for obtaining benefits under this Act or under an amendment made by this Act; and

(ii) the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act or under an amendment made by this Act.

(c) DIVERSITY.—The Assistant Attorney General shall ensure, to the extent possible, that the nonprofit community organizations receiving grants under this section serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs of the Department of Justice such sums as may be necessary for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 643. STRENGTHENING AMERICAN CITIZENSHIP.

(a) SHORT TITLE.—This section may be cited as the ''Strengthening American Citizenship Act of 2006''.

(b) DEFINITION.—In this section, 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 (h)(1)(B).

(c) ENGLISH FLUENCY.—

(1) EDUCATION GRANTS.—

(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) USE OF FUNDS.—Grant funds awarded under this paragraph shall be paid directly

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 by a course on 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 to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) NOTICE.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(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, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.''.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(d) 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 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 heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(B) other activities approved by the Secretary 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

(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.

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

(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 Foundation (referred to in 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 funds made available 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 not 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) FROM FOUNDATION.—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).

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize individuals for the purpose of 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 Education and the Workforce 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 reporting period under this section 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 heroes of American history, the 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. 1448) is amended—

(A) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' 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:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take 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.

''(3) 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, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

(2) 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) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—

(1) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is authorized 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 10 citizens may receive a medal under this subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) NATURALIZATION CEREMONIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization 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 Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation 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 benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. 645. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Congress finds the following:

(1) There is a strong correlation between economic freedom and economic prosperity.

(2) Trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom.

(3) Poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom within Mexico.

(4) Strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration.

(5) Advancing economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity.

(b) GRANT AUTHORIZED.—The Secretary of State may award a grant to a land grant university in the United States to establish a national program for a broad, university-based Mexican rural poverty mitigation program.

(c) FUNCTIONS OF MEXICAN RURAL POVERTY MITIGATION PROGRAM.—The program established pursuant to subsection (b) shall—

(1) match a land grant 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 poverty programs in Mexico;

(2) establish relationships and coordinate programmatic ties between universities in the United States and universities in Mexico to address the issue of rural poverty in Mexico;

(3) establish and coordinate relationships with key leaders in the United States and Mexico to explore the effect of rural poverty on illegal immigration of Mexicans into the United States; and

(4) address immigration and border security concerns through a university-based, binational approach for long-term institutional change.

(d) USE OF FUNDS.—

(1) AUTHORIZED USES.—Grant funds awarded under this section may be used—

(A) for education, training, technical assistance, and any related expenses (including personnel and equipment) incurred by the grantee in implementing a program described in subsection (a); and

(B) to establish an administrative structure for such program in the United States.

(2) LIMITATIONS.—Grant funds awarded under this section may not be used for activities, responsibilities, or related costs incurred by entities in Mexico.

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

TITLE VII—MISCELLANEOUS

Subtitle A—Immigration Litigation Reduction

CHAPTER 1—APPEALS AND REVIEW

SEC. 701. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL 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 positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available 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 carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) LITIGATION ATTORNEYS.—In each of fiscal 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 positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) UNITED STATES ATTORNEYS.—In each of fiscal 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 United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 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 preceding fiscal year.

(4) STAFF ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) 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 preceding fiscal year

(5) 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, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

CHAPTER 2—IMMIGRATION REVIEW REFORM

SEC. 702. BOARD OF IMMIGRATION APPEALS.

(a) COMPOSITION AND APPOINTMENT.—Notwithstanding any other provision of law, the Board of Immigration Appeals of the Department of Justice (referred to in this section as the ''Board''), shall be composed of a Chair and 22 other immigration appeals judges, who shall be appointed by the Attorney General. 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) 7 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise in immigration and nationality law; and

(3) meet the minimum appointment requirements of an administrative law judge under title 5, United States Code.

(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 responsible, on behalf of 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 needed 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);

(6) direct that a case be heard en banc as provided by subsection (h); and

(7) 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 that is 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) STANDARD OF REVIEW.—The Board shall review de novo all questions 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 adjudication of cases before the Board.

(3) 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.

(h) EN BANC PROCESS.—

(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.

(i) DECISIONS OF THE BOARD.—

(1) AFFIRMANCE 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 issue on appeal is 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 3-member panel or the presiding member acting alone may summarily dismiss any appeal or portion of any appeal in any case which—

(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; or

(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 ministerial 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 a 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) IN GENERAL.—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 act until a successor has been appointed and qualified.

(2) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good 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 that is consistent with their authorities under this section and regulations established in accordance with this section.

(d) 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 a legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide such 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, in consultation with the Attorney General, the Secretary, and the Judicial Conference of the United States, shall consider—

(1) the resources needed for each alternative, including judges, attorneys and other support staff, case management techniques including technological 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;

(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 motions to reopen and reconsider, 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, is 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 use the fingerprints provided by an individual at the time the individual enlists in the Armed Forces to satisfy any requirement for fingerprints as part of an application for naturalization if the individual—

(1) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(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 not later than 12 months after the date the individual enlisted in the Armed Forces.

SEC. 713. PROVISION OF INFORMATION ON NATURALIZATION TO MEMBERS OF THE ARMED FORCES.

The Secretary shall—

(1) establish a dedicated toll-free telephone service available only to members of the Armed Forces and the families of such members to provide information related to naturalization pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the status of an application for such naturalization;

(2) ensure that the telephone service required by paragraph (1) is operated by employees of the Department who—

(A) have received specialized training on the naturalization process for members of the Armed Forces and the families of such members; and

(B) are physically located in the same unit as the military processing unit that adjudicates applications for naturalization pursuant to such section 328 or 329; and

(3) implement a quality control program to monitor, on a regular basis, the accuracy and quality of information provided by the employees who operate the telephone service required by paragraph (1), including the breadth of the knowledge related to the naturalization process of such employees.

SEC. 714. PROVISION OF INFORMATION ON NATURALIZATION TO THE PUBLIC.

Not later than 30 days after the date that a modification to any law or regulation related to the naturalization process becomes effective, the Secretary shall update the appropriate application form for naturalization, the instructions and guidebook for obtaining naturalization, and the Internet website maintained by the Secretary to reflect such modification.

SEC. 715. REPORTS.

(a) ADJUDICATION PROCESS.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the process that begins at the time the application is mailed to, or received by, 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 or of other entities, including contract employees, who have any role in the such 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 used to improve the efficiency of the naturalization process for members of the Armed Forces.

(2) REPORT.—Not later than 180 days after the date that 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 comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other 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;

(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 interpreting 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 assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(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) APPLICATION.—

(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 each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY 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 States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL 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, which has an application approved under subsection (c), 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 paragraph (1), as those numbers are 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:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 733. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 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 assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing 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—

(1) identify 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; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in 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, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(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) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

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 Commissioner, in consultation with the Secretary, 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) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs–Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 736. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(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).

(e) 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 any demonstrated technology for 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; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 735(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 736(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 Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

Subtitle E—Family Humanitarian Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the ''September 11 Family Humanitarian Relief and Patriotism Act''.

SEC. 742. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—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 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) 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 any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—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.

(C) 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.

(b) ALIENS 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;

(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 by, 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 establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 743. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(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 by, 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 provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 744. EXCEPTIONS.

Notwithstanding any other provision of this subtitle, an alien may not be provided relief under this subtitle if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. 745. EVIDENCE OF DEATH.

For purposes of this subtitle, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism

(USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. 746. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, 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 administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

Subtitle F—Other Matters

SEC. 751. NONCITIZEN MEMBERSHIP IN THE ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (b), by striking ''subsection (a)'' and inserting ''subsection (a) and (d)''; and

(2) by adding at the end the following:

''(d) Notwithstanding any other provision of law, except for provisions relating to revocation of citizenship under subsection (c), individuals who are not United States citizens shall not be denied the opportunity to apply for membership in the United States Armed Forces. Such individuals who become active duty members of the United States Armed Forces shall, consistent with subsections (a) through (e) and with the approval of their chain of command, be granted United States citizenship after performing at least 2 years of honorable and satisfactory service on active duty. Not later than 90 days after such requirements are met with respect to an individual, such individual shall be granted United States citizenship.

''(e) An alien described in subsection (d) shall be naturalized without regard to the requirements of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) and any other requirements, processes, or procedures of the Immigration and Naturalization Service, if the alien—

''(1) filed an application for naturalization in accordance with such procedures to carry out this section as may be established by regulation by the Secretary of Homeland Security or the Secretary of Defense;

''(2) demonstrates to his or her military chain of command, proficiency in the English language, good moral character, and knowledge of the Federal Government and United States history, consistent with the requirements contained in the Immigration and Nationality Act; and

''(3) takes the oath required under section 337 of such Act (8 U.S.C. 1448 et seq.) and participates in an oath administration ceremony in accordance with such Act.''.

SEC. 752. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

''(II) is a professional athlete, as defined in section 204(i)(2);

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition, or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

''(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.''.

(c) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

''(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).''.

SEC. 753. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking ''2006'' and inserting ''2009''.

SEC. 754. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

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

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, 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. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the

Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

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

SEC. 755. COMPREHENSIVE IMMIGRATION EFFICIENCY REVIEW.

(a) REVIEW.—The Secretary, in consultation with the Secretary of State, shall conduct a comprehensive review of the immigration procedures in existence as of the date of the enactment of this Act.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report, in classified form, if necessary, that—

(1) identifies inefficient immigration procedures; and

(2) outlines a plan to improve the efficiency and responsiveness of the immigration process.

SEC. 756. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to 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 federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after 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) Court costs;

(3) Costs of courtroom technology;

(4) Costs of constructing holding spaces;

(5) Costs of administrative staff;

(6) 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''—

(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 Dakota, Ohio, Pennsylvania, 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''—

(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 as well as a 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 criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) 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.

SEC. 757. SOUTHWEST BORDER PROSECUTION INITIATIVE.

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

SEC. 758. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) SHORT TITLE.—This section may be cited as the ''Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006''.

(b) PURPOSE.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term ''IEACA grant'' means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) ESTABLISHMENT OF INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) 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 IEACA 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)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(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 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).

(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.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau 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.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the 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.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) DISTRIBUTION OF FEES AND FINES.—

(1) H–2C VISA FEES.—Notwithstanding section 218A(l) of the Immigration and Nationality Act, as added by section 403, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL 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 and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SEC. 759. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether 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 the United States through commercial motor vehicle transport; and

(2) if the report indicates that 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.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies 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.

SEC. 760. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of Customs and Border Protection or Immigration and Customs Enforcement who carries out the functions of Customs and Border Protection or Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

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 concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) 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.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) 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—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) 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.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(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 relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States 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) other relevant land under 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 for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(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) $178,400,000 for fiscal year 2007; and

(B) $276,000,000 for fiscal year 2008.

(2) AVAILABILITY 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 GENERAL.—In applying clause (iii) of section 201(b)(2)(A) of the Immigration and Nationality Act, as added by section 504(a), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may (notwithstanding the deadlines specified in such clause) file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined by 201(b)(2)(A)(ii) of the Immigration and Nationality Act) due to the citizen's death—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(b) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by section 408(h) of this Act, is further amended by adding at the end the following:

''(o) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

''(1) IN GENERAL.—Any alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien is described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

''(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).''.

(c) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(d) PROCESSING OF IMMIGRANT VISAS.—Section 204(b) (8 U.S.C. 1154), as amended by section 204(b) of this Act, is further amended—

(1) by striking ''After an investigation'' and inserting the following:

''(1) IN GENERAL.—After an investigation''; and

(2) by adding at the end the following:

''(2) DEATH OF QUALIFYING RELATIVE.—

''(A) IN GENERAL.—Any alien described in paragraph (2) whose qualifying relative died before the completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa issued before the death of the qualifying relative shall remain valid after such death.

''(B) ALIEN DESCRIBED.—An alien is described in this paragraph is an alien who—

''(i) is an immediate relative (as described in section 201(b)(2)(A));

''(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(iii) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

''(iv) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).''.

(e) NATURALIZATION.—Section 319(a) (8 U.S.C. 1429(a)) is amended by inserting ''(or, if the spouse is deceased, the spouse was a citizen of the United States)'' after ''citizen of the United States''.

SEC. 764. TERRORIST ACTIVITIES.

Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking '', under circumstances indicating an intention to cause death or serious bodily harm, incited'' and inserting ''incited or advocated''; and

(2) in subclause (VII), by striking ''or espouses terrorist activity or persuades others to endorse or espouse'' and inserting ''espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate''.

SEC. 765. FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)), as amended by section 212(a) of this Act, is further amended—

(1) in subparagraph (C)(ii), by striking ''between—'' and all that follows and inserting the following: ''between—

''(I) the alien having been battered or subjected to extreme cruelty; and

''(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States.''; and

(2) by adding at the end the following:

''(D) WAIVER.—

''(i) 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 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

''(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.''.

SEC. 766. TRAVEL DOCUMENT PLAN.

Section 7209 (b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking ''January 1, 2008'' and inserting ''June 1, 2009''.

SEC. 767. ENGLISH AS NATIONAL LANGUAGE.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec

''161. Declaration of national language

''162. Preserving and enhancing the role of the national language

''§ 161. Declaration of national language

''English is the national language of the United States.

''§ 162. Preserving and enhancing the role of the national language

''The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

''**6. Language of the Government .... 161**''.

SEC. 768. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Under United States law (8 U.S.C. 1423(a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2) The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and Government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term ''key documents'' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term ''key events'' means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ''key ideas'' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ''key persons'' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing

process designed to comply with provisions of (8 U.S.C. 1423(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 shaped the institutions and democratic heritage of the United States;

(4) demonstrate 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

(5) 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 ensure compliance with (8 U.S.C. 1423 (a)) not later than January 1, 2008.

SEC. 769. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of 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. Nothing herein 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) CONFORMING 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 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 and stored in a manner appropriate to their sensitivity;

''(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

''(D) request such information or assistance from any Federal, State, or local government agency as may be necessary for carrying out the duties and responsibilities under this section;

''(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

''(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

''(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

''(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(G) investigate criminal allegations and noncriminal misconduct;

''(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

''(I) be under the direct supervision of the Director.'';

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

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

''(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

''(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

''(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

''(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud.''; and

(3) by adding at the end the following:

''(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

''(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

''(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).''.

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: ''Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).''.

SEC. 773. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) IN GENERAL.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(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) WAIVER.—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.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking ''section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))'' and inserting ''item (a) or (b) of section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))''; and

(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.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines is—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

''(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end ''except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A,''.

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''101(a)(27)(A),''.

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(4) Section 319(b)(1)(B) (8 U.S.C. 1430(b)(1)(B)) is amended by inserting ''an eligible alien who is residing or has resided in a foreign country pursuant to section 317A'' before ''and'' at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing healthcare in developing countries''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 777. ATTESTATION BY HEALTHCARE WORKERS.

(a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

''(E) HEALTHCARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 778. PUBLIC ACCESS TO THE STATUE OF LIBERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall ensure that all persons who satisfy reasonable and appropriate security measures shall have full access to the public areas of the Statue of Liberty, including the crown and the stairs leading thereto.

SEC. 779. NATIONAL SECURITY DETERMINATION.

Notwithstanding any other provision of this Act, the President shall ensure that no provision of title IV or title VI of this Act, or any amendment made by either such title, is carried out until after the date on which the President makes a determination that the implementation of such title IV and title VI, and the amendments made by either such title, will strengthen the national security of the United States.

TITLE VIII—INTERCOUNTRY ADOPTION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Intercountry Adoption Reform Act of 2006'' or the ''ICARE Act''.

SEC. 802. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) 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;

(2) 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

(3) to improve the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

SEC. 803. DEFINITIONS.

In this title:

(1) ADOPTABLE 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 824(a) 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 authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term ''Convention'' means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(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) under 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 Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual's ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that 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; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at

Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—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. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to intercountry adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers employed in a central office located in Washington, D.C. Within that office, there shall be 7 divisions corresponding to the 7 functions of the Office. The director of each such division shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions which correspond to the world regions used by other divisions within the Department of State.

(4) 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.

(5) COORDINATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of 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 form filing.

SEC. 812. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting ''301, 302,'' after ''205,''.

SEC. 813. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 814. TRANSFER OF FUNCTIONS.

(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 in, or exercised by, the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of State on the effective date of this Act and shall be carried out by the Ambassador at Large, under the supervision of the Secretary of State, in accordance with applicable laws and this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 815. TRANSFER OF RESOURCES.

Subject to section 1531 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 balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 816. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further 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, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, or the Secretary of Homeland Security, or their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 814 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments 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 of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—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 same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department 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 party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements 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 ADOPTED 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.

''(a) IN GENERAL.—A child born outside of the United States automatically becomes 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)) in the United States or its outlying possessions 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)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

''(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 subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

''(1) Any 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. 288) 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. 288).

''(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 country of residence or the State law of the parent's residence;

''(2) under which a person is granted full and legal custody of the adopted child;

''(3) that has the force and effect of severing the child's legal ties to the child's biological parents;

''(4) under which the adoptive parents meet the requirements of section 825 of the Intercountry Adoption Reform Act of 2006; and

''(5) under which the child has been adjudicated to be an adoptable child in accordance with section 826 of the Intercountry Adoption Reform Act of 2006.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (66 Stat. 163) is amended by striking the item relating to section 320 and inserting the following:

''Sec. 320. Conditions for automatic citizenship for children born outside the United States''.

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

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) Upon completion of a 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 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section 821 of this Act, upon application by a United States citizen 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 be admitted to the United States 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 require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before the parents are matched with a child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 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. 1101(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 Office of International Adoption of the Department of State.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking ''or'' at the end of subparagraph (U); and

(B) by striking the period at the end of subparagraph (V) and inserting ''; or''.

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

''(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

''(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.''.

(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 inserting ''18 years''; and

(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.

SEC. 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:

''(3) The term 'adoptable child' means an unmarried person under the age of 18—

''(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

''(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

''(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

''(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

''(ii) who, as determined by the competent authority of the child's residence—

''(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

''(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

''(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

''(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

''(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to

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, is satisfied that the person is not a security risk; and

''(F) whose eligibility for adoption and emigration to the United States has been certified by the 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 homestudy''.

SEC. 825. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 823(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONER'S RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 826. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 823(a) of this Act—

(1) the Ambassador at Large shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the definition of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Secretary of State shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) PROCESS FOR DETERMINATION.—

(1) IN GENERAL.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) NOTICE OF INTENT.—If the Secretary of State determines that a certification submitted by the competent authority of the child's country of origin is not readily approvable, the Ambassador at Large shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) DECISION.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Secretary of State shall reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) RIGHT TO AN APPEAL.—Unfavorable decisions on a certification may be appealed through the appropriate process of the Department of State and, after the exhaustion of such process, to a United States district court.

SEC. 827. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

Subtitle C—Enforcement

SEC. 831. CIVIL PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. 832. 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.

SA 5029. Mr. DURBIN 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 7, after line 10, insert the following:

TITLE II—THE DREAM ACT OF 2006

SEC. 201. SHORT TITLE.

This title may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2006'' or the ''DREAM Act of 2006''.

SEC. 202. DEFINITIONS.

In this title:

(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) of title 10, United States Code.

SEC. 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.

SEC. 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 cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 205, 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 violation was committed; 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 (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary of Homeland Security may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(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 may not remove any alien who has a pending application for conditional status under this title.

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 that of an alien lawfully admitted for permanent residence 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).

(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 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 have the conditional basis of such status removed.

(B) 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.

(b) 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 204(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.

(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 subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident 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 to 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 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 an alien under subsection (c)(1) 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 204(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 such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that 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.

(D) 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 or higher 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) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the 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 and 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)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 204. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 205(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 205(d)(1) during the entire period of conditional residence.

SEC. 207. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—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 entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) 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 the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 208. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing 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. 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 publication whereby the information furnished by any particular individual pursuant to an application under this title 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 title with a 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).

(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. 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 adjusts 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 IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa 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);

(3) the number of aliens who were granted adjustment of status under section 204(a); and

(4) 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 bill, add the following:

This Act shall become effective 2 days after the date of enactment.

SA 5032. Mr. FRIST proposed an amendment to amendment SA 5031 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; as follows:

On page 1, line 1 of the amendment, strike ‘‘2 days’’ and insert ‘‘1 day’’.

SA 5035. Mr. FRIST (for Mr. LUGAR (for himself, Mr. BROWNBACK, Mr. MARTINEZ, Mr. HAGEL, Mr. CORNYN, Mrs. HUTCHISON, Mr. DEWINE, Mr. COLEMAN, Mr. CHAFEE, Mr. ALEXANDER, Mr. SUNUNU, and Mr. SPECTER)) proposed an amendment to the 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Darfur Peace and Accountability Act of 2006’’.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Sanctions in support of peace in Darfur.
Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
Sec. 7. Continuation of restrictions.
Sec. 8. Assistance efforts in Sudan.
Sec. 9. Reporting requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) AMIS.—The term ‘‘AMIS’’ means the African Union Mission in Sudan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term ‘‘Comprehensive Peace Agreement for Sudan’’ means the peace agreement signed by the Government of Sudan and the SPLM/A in Nairobi, Kenya, on January 9, 2005.

(4) DARFUR PEACE AGREEMENT.—The term ‘‘Darfur Peace Agreement’’ means the peace agreement signed by the Government of Sudan and by Minni Minnawi, leader of the Sudan Liberation Movement/Army Faction, in Abuja, Nigeria, on May 5, 2006.

(5) GOVERNMENT OF SUDAN.—The term ‘‘Government of Sudan’’—

(A) means—

(i) the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front); or

(ii) any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of Southern Sudan.

(6) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term ‘‘official of the Government of Sudan’’ does not include any individual—

(A) who was not a member of such government before July 1, 2005; or

(B) who is a member of the regional government of Southern Sudan.

(7) SPLM/A.—The term ''SPLM/A'' means the Sudan People's Liberation Movement/Army.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 23, 2004, Congress declared, ''the atrocities 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 bear responsibility''.

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated,''[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide''.

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556 (2004), calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and 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 nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564 (2004), determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556 (2004), calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 (2004) and 1564 (2004), including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur, submitted to the United Nations Secretary-General on January 25, 2005, established that the ''Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law,'' that ''these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity,'' and that officials of the Government of Sudan and other individuals may have acted with ''genocidal intent''.

(7) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590 (2005), establishing the United Nations Mission in Sudan (referred to in this section as the ''UNMIS''), consisting of up to 10,000 military personnel and 715 civilian police tasked with supporting the implementation of the Comprehensive Peace Agreement for Sudan and to ''closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS)'', which had been established by the African Union on May 24, 2004, to monitor the implementation of the N'Djamena Humanitarian Ceasefire Agreement, signed on April 8, 2004, ''with a view towards expeditiously reinforcing the effort to foster peace in Darfur''.

(8) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591 (2005), extending the military embargo established by Security Council Resolution 1556 (2004) to all the parties to the N'Djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who 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, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a panel of experts to assist in monitoring compliance with Security Council Resolutions 1556 (2004) and 1591 (2005).

(9) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur since July 1, 2002, 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.

(10) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the SPLM/A for the past 21 years, was killed in a tragic helicopter crash in Southern Sudan, sparking riots in Khartoum and challenging the commitment of all Sudanese to the Comprehensive Peace Agreement for Sudan.

(11) On January 12, 2006, the African Union Peace and Security Council issued a communique endorsing, in principle, a transition from AMIS to a United Nations peacekeeping operation and requested the Chairperson of the Council to initiate consultations with the United Nations and other stakeholders toward this end.

(12) On February 3, 2006, the United Nations Security Council issued a Presidential Statement authorizing the initiation of contingency planning for a transition from AMIS to a United Nations peacekeeping operation.

(13) On March 10, 2006, the African Union Peace and Security Council extended the mandate of AMIS, which had reached a force size of 7,000, to September 30, 2006, while simultaneously endorsing the transition of AMIS to a United Nations peacekeeping operation and setting April 30, 2006 as the deadline for reaching an agreement to resolve the crisis in Darfur.

(14) On March 24, 2006, the United Nations Security Council passed Security Council Resolution 1663 (2006), which—

(A) welcomes the African Peace and Security Council's March 10, 2006 communique; and

(B) requests that the United Nations Secretary-General, jointly with the African Union and in consultation with the parties to the Abuja Peace Talks, expedite planning for the transition of AMIS to a United Nations peacekeeping operation.

(15) On March 29, 2006, during a speech at Freedom House, President Bush called for a transition to a United Nations peacekeeping operation and ''additional forces with a NATO overlay . . . to provide logistical and command-and-control and airlift capacity, but also to send a clear signal to parties involved that the west is determined to help effect a settlement.''.

(16) On April 25, 2006, the United Nations Security Council passed Security Council Resolution 1672 (2006), unanimously imposing targeted financial sanctions and travel restrictions on 4 individuals who had been 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'', including the Commander of the Western Military Region for the armed forces of Sudan, the Paramount Chief of the Jalul Tribe in North Darfur, the Commander of the Sudan Liberation Army, and the Field Commander of the National 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 Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement, which addresses security, power sharing, and wealth sharing issues between the parties.

(18) In August 2006, the Sudanese government began to 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 war.

(19) On August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), without dissent and with abstentions by China, Russian Federation, and Qatar, thereby asserting that the existing United Nations Mission in Sudan ''shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006'', and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . 3,300 civilian police personnel and up to 16 Formed Police Units'', which ''shall begin to be deployed [to Darfur] no later than 1 October 2006''.

(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 United Nations peacekeepers under the UNMIS peacekeeping force.

(21) Since 1993, the Secretary of State has determined, pursuant to section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)), that Sudan is a country, the government of which has repeatedly provided support for acts of international terrorism, thereby restricting United States assistance, defense exports and sales, and financial and other transactions with the Government of Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the 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 and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'Djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of AMIS is increasing;

(3) the African Union should immediately make all necessary preparations for an orderly transition to a United Nations 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) the international community, including the United States and the European Union, should immediately act to mobilize sufficient political, military, and financial resources through the United Nations and the North Atlantic Treaty Organization, to support the transition of AMIS to a United Nations peacekeeping operation with the size, strength, and capacity necessary to protect civilians and humanitarian operations, to assist with the implementation of the Darfur Peace Agreement, and to end the continued violence in the Darfur region;

(5) if an expanded and reinforced AMIS or subsequent United Nations peacekeeping operation fails to stop genocide in the Darfur region, the international community should take additional measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, and grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the panel of experts established pursuant to section 3(a) of Security Council Resolution 1591 (2005);

(8) the President should direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to urge the adoption of a resolution by the United Nations Security Council that—

(A) extends the military embargo established by United Nations Security Resolutions 1556 (2004) and 1591 (2005) to include a total ban on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally recognized demobilization program or for nonlethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan or the Darfur Peace Agreement; and

(B) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance to the Government of Sudan, government supported militias, or any rebel group operating in Darfur in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 (2004) and 1591 (2005), to immediately cease and desist.

(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement, the support of the regional Government of Southern Sudan, the Transitional Darfur Regional Authority, and marginalized areas in Northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), or for humanitarian purposes in Sudan, until the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in 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 United States by establishing a student loan forgiveness program for those individuals who commit to return to Southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of Southern Sudan;

(11) the Presidential Special Envoy for Sudan should be provided with appropriate resources and a clear mandate to—

(A) provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement;

(B) seek ways to bring stability and peace to the Darfur region;

(C) address instability elsewhere in Sudan, Chad, and northern Uganda; and

(D) pursue a truly comprehensive peace throughout the region;

(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 National Movement for Reform and Development (NMRD), 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 and the Sudan Liberation 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; and

(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 commitment of SPLM to—

(i) bring peace to Southern Sudan, the Darfur region, and Eastern Sudan; and

(ii) eliminate safe haven for regional rebel 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 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting ''OF APPROPRIATE SENIOR OFFICIALS OF THE GOVERNMENT OF SUDAN'' after ''ASSETS'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following:

''(c) BLOCKING OF ASSETS AND RESTRICTION ON VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE PRESIDENT.—

''(1) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

''(2) RESTRICTION ON VISAS.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall deny a visa and entry to any individual who the President determines to be complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.''.

(b) WAIVER.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004, as redesignated by subsection (a), is amended by adding at the end the following: ''The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to 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.''.

(c) SANCTIONS AGAINST JANJAWEED COMMANDERS AND COORDINATORS OR OTHER INDIVIDUALS.—It is the sense of Congress, that the President should immediately impose the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004, as added by subsection (a), against 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 ASSISTANCE TO SUPPORT AMIS.—Subject to subsection (b) and notwithstanding any other provision of law, the President is authorized to provide AMIS with—

(1) 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 dissuade and deter air attacks directed against civilians and humanitarian workers; and

(2) assistance in the areas of logistics, transport, communications, material support, technical assistance, training, command and control, aerial surveillance, and intelligence.

(b) CONDITIONS.—

(1) IN GENERAL.—Assistance provided under subsection (a)—

(A) shall be used only in the Darfur region; and

(B) shall not be provided until AMIS has agreed not to transfer title to, or possession of, any such assistance to anyone not an officer, employee or agent of AMIS (or subsequent United Nations peacekeeping operation), and not to use or to permit the use of such assistance for any purposes 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 forgoing have been obtained from AMIS by the President.

(2) CONSENT.—If 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 agrees to permit the use of such

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 this section as ''NATO'') to use the voice, vote, and influence of the United States at NATO to—

(1) advocate NATO reinforcement of the AMIS and its orderly transition to a United Nations peacekeeping operation, as appropriate;

(2) provide assets to help dissuade and deter air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan; and

(3) provide other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or any amendment made by this Act, shall be construed as a provision described in section 5(b)(1) or 8(a)(1) of the War Powers Resolution (Public Law 93–148; 50 U.S.C. 1544(b), 1546(a)(1)).

(e) DENIAL OF ENTRY AT UNITED STATES PORTS TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

(1) IN GENERAL.—The President should 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 for deliveries of 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 program;

(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 has made the 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 Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (2004) and 1591 (2005).

(2) WAIVER.—The President may waive the application of paragraph (1) 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 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), or any other similar provision of law, shall remain in effect, and shall not be lifted pursuant to 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;

(3) adhere to all associated United Nations Security Council Resolutions, including Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1663 (2006), 1665 (2006), and 1706 (2006);

(4) negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lord's Resistance Army in Sudan; and

(6) fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, by—

(A) implementing the recommendations of the Abyei Boundaries Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from Southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

(b) 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. 8. ASSISTANCE EFFORTS IN SUDAN.

(a) 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.

(b) COMPREHENSIVE PEACE IN SUDAN ACT.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 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 until 15 days after the date on which the Secretary of State notifies the congressional committees specified 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.

(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 (50 U.S.C. 1701 note) 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 for the purpose of constituting a professional military force—

(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

(B) small 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 614(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(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 which 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

(ii) the end use or retransfer controls that will be applied to any items provided under this subsection.

(3) WAIVER AUTHORITY.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) shall not apply to assistance provided under paragraph (1).

(e) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NUMBER 13067.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 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, or marginalized areas in and around Khartoum.

SEC. 9. REPORTING REQUIREMENTS.

Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

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

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

"(c) REPORT ON AFRICAN UNION MISSION IN SUDAN.—Until such time as AMIS concludes its mission in Darfur, in conjunction with the other reports required under this section, the Secretary of State, in consultation with all relevant Federal departments and agencies, shall prepare and submit a report, to the appropriate congressional committees, regarding—

"(1) a detailed description of all United States assistance provided to the African Union Mission in Sudan (referred to in this subsection as 'AMIS') since the establishment of AMIS, reported by fiscal year and the type and purpose of such assistance; and

"(2) the level of other international assistance provided to AMIS, including assistance from countries, regional and international organizations, such as the North Atlantic Treaty Organization, the European Union, the Arab League, and the United Nations, reported by fiscal year and the type and purpose of such assistance, to the extent possible.

"(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees regarding sanctions imposed under section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provision of law;

"(2) the name of the individual or entity subject to the sanction, if applicable; and

"(3) whether or not such individual has been identified by the United Nations panel of experts.

"(e) REPORT ON UNITED STATES MILITARY ASSISTANCE.—In conjunction with the other reports required under this section, the Secretary of State shall submit a report to the appropriate congressional committees describing the effectiveness of any assistance provided under section 8 of the Darfur Peace and Accountability Act of 2006, including—

"(1) a detailed annex on any military assistance provided in the period covered by this report;

"(2) the results of any review or other monitoring conducted by the Federal Government with respect to assistance provided under that Act; and

"(3) any unauthorized retransfer or use of military assistance furnished by the United States.".

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. 3610)) 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. 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 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 P, Mainella, 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 on Thursday, September 21st, 2006 at 10:15 a.m. 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 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 Gerry 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 Central District of California; Francisco Augusto Besosa, 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; Philip 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 Jarvey, 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 Godbey Wood; to be U.S. District Judge for the Southern District of Georgia.

II. Bills

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Schumer, Graham, Biden, Grassley;

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. 394, Open Government Act of 2005, Cornyn, Leahy, Feingold;

S. 3880, Animal Enterprise Terrorism Act, Inhofe, Feinstein;

S. 2644, Perform Act of 2006, Feinstein, Graham, Biden;

S. 3818, Patent Reform Act of 2006, Hatch, Leahy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Corrections and Rehabilitation be authorized to meet to conduct a hearing on ''Oversight of Federal Assistance for Prisoner Rehabilitation and Reentry in Our States'' on Thursday, September 21, 2006, at 2:30 p.m. in SD226.

Witness List:

Panel I: Mason Bishop, Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor, Washington, DC, Regina Schofield, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, Washington, DC, Robert Bogart, Director, Center for Faith Based and Community Initiatives, U.S. Department of Housing and Urban Development, Washington, DC, Cheri Nolan, Senior Policy Advisor, Criminal and Juvenile Justice at the Substance Abuse and Mental Health Administration, Department of Health and Human Services, Washington, DC.

Panel II: Roger Werholtz, Secretary of Corrections, Kansas Department of Corrections, Topeka, KS, Diane Williams, President and CEO, Safer Foundation, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2006 at 2:30 p.m to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. THUNE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 21, 2006 from 10 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on Thursday, September 21 at 2:30 p.m.

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, UT, 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 reimbursable costs of the unused capacity of the Folsome 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 737, 831, 905, 906, 909, 910, 911, 912, 913, 914, 915, 916, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General. (New Position)

Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy.

COAST GUARD

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, 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. Zukunft, 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 October 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.

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.

DEPARTMENT OF LABOR

Randolph James Clerihue, 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

Lauran M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

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 the 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 datamining conducted by this administration. This, despite the Foreign Surveillance Intelligence Act and its express provisions, as well as the actions of the Senate in voting to curtail the datamining 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. The Department of Justice's own internal Office of Professional Responsibility's probe of whether lawyers at the Department violated ethical rules in justifying these activities was shut down by the Attorney General and the White House.

I was disappointed 2 weeks ago when the Judiciary Committee reported out a bill on party lines that would rubberstamp the administration's warrantless wiretapping. We were told that the administration would only follow the law if we passed the legislation endorsed by Vice President CHENEY. This is a bill that would expand governmental power and reduce governmental accountability in an area in which we have been unable to engage in effective oversight. As I have said many times and as I continue to believe, we should not legislate in this area until we know more about the NSA's domestic spying activities and more about why the administration chose to flout the law and bypass both the FISA Court and the Congress.

I support Senator FEINSTEIN's bipartisan bill, which we also reported out of committee, and I commend her for her 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 expand its power, the Department of Justice should be advising the President to obey the law and respect the Congress and the courts, not just helping to rationalize actions and forestall oversight.

In theory, the new position to which Mr. Wainstein has been nominated might help Department of Justice attorneys to act responsibly on national security issues, rather than just to do the White House's bidding. It should put national security issues into the hands of experts, not political cronies. In fact, the WMD Commission recommended 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 position can only serve a useful role if the person who occupies it is willing to think independently. This administration has consistently prized loyalty over independence and expertise.

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 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. That is not what I would term high praise for his judgment. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, June 9, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, 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 members of the Fraternal Order of Police to advise you of our position on the nomination of Kenneth L. Wainstein, currently the U.S. Attorney for the District of Columbia, to be the Assistant Attorney General for the National Security Division at the U.S. Department of Justice.

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. Representative Cynthia L. McKinney. The grand jury has held this case for more than two months when the usual practice of a Federal prosecutor is to immediately arrest and swiftly indict people that attack police officers. It is clear to us that the accused in this case is receiving special treatment from Mr. Wainstein. This is unacceptable—had the 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 stood trial. Instead, under the stewardship of Mr. Wainstein, we have a seemingly endless grand jury proceeding and rumored talks of a plea deal, despite the fact that there has not even been an indictment.

Given that the basic function of a prosecutor is to investigate and prosecute cases, and given that Mr. Wainstein seems unwilling to perform this function 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 the responsibilities of the position for which he has been nominated are largely advisory in nature, we have decided to advocate his swift and immediate confirmation in order to facilitate his departure from the U.S. Attorney's office. In so doing, we hope that his replacement will prove to be better able to handle pending cases—particularly those involving assaults on law enforcement officers.

Justice is something that must be vigorously pursued and Mr. Wainstein is waffling. We feel that someone of his temperament is better suited to a less operational position and, for this reason, on behalf of the more than 324,000 members of the Fraternal Order of Police, we urge his expeditious confirmation. I thank you both in advance for your consideration of our views on this matter. If I can be of any further help, please feel free to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. LEVIN. Mr. President, Kenneth Wainstein is President Bush's nominee to be Assistant Attorney General for National Security at the Department of Justice. From July 2002 to March 2003, Mr. Wainstein was the general counsel at the FBI and from March 2003 until May 2004 Mr. Wainstein was the FBI Director's chief of staff.

FBI documents, released in response to a Freedom of Information Act request, show that during Mr.

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 his former deputy at the FBI General Counsel's office, regarding their 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 those 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 interrogations 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. Over the August recess, 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's answers to my 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 said 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 "stand clear" of any interrogations 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 recalled 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'Amuro who immediately said we (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, namely David Nahmias and 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 continuing denial to 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, neither is 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:

U.S. SENATE,
Washington, DC, June 9, 2006.

Mr. KENNETH WAINSTEIN,
Washington, DC.

DEAR MR. WAINSTEIN: I have reviewed your answers to my Questions for the Record and would appreciate you clarifying a number of your responses and providing some additional information which is relevant to them and the consideration of your nomination.

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 any attorney 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 review being undertaken 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 Guantanamo Bay."

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 the General Counsel regarding legal issues relating to Defense Department interrogation techniques at Guantanamo in 2002 or 2003? If so, did you discuss this with anyone in the FBI or take any other action?

(B) Were you aware of Mr. Bowman or other attorneys in the FBI Office of General

Counsel ''reviewing legal aspects of interviews'' 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 a review of legal aspects of interviews 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, discuss this issue 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 to FBI personnel in Guantanamo in 2002 or 2003 regarding DoD interrogation techniques? 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 in Guantanamo to determine whether any witnessed mistreatment of detainees.'' Please provide the results of that survey.

5. Your answer to Question 4 states that ''in the months following 9/11, the FBI received numerous NSA tips . . .'' Are you aware any instance following 9/11, where the FBI raised a concern with the National Security Agency (NSA) about the workload created by the number of leads being provided to the FBI by the NSA?

6. Question 5 asked about concerns that Director Mueller reportedly had regarding the legal rationale for warrantless wiretaps. 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 basis 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. SENATE,
Washington, DC, June 9, 2006.

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 reported to him during his tenure as FBI General Counsel.

I asked Mr. Wainstein a series of questions concerning a packet of 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 said that it was ''possible'' that you were ''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 which were ''of questionable effectiveness and subject to uncertain interpretation based on law and regulation.''

A. Do you remember Document # 1 C?

B. Were you aware, from Document # 1 C 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 these 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?

2. 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 to the DoD Office of General Counsel (DoD OGC). Did you participate in discussions with DoD officials, including from the DoD OGC, about FBI agents' concerns regarding DoD interrogation techniques? If so, did you inform Mr. Wainstein about the outcome of these discussions? If not, why not?

3. Document #1C also states that on December 2, 2002, an FBI employee sent several documents to the head of the Behavioral Analysis Unit (BAU) in Quantico, who stated he would forward these documents to you. According to Document #1C, the forwarded documents included: (1) a letter to Guantanamo Commanding General Major General Geoffrey Miller; (2) an Army Legal Brief on Proposed Counter-Resistance Strategies; and (3) a Legal Analysis of Interrogation Techniques by an FBI agent whose name is redacted. In his answers to my questions, Mr. Wainstein could not recall seeing any of the documents specified in Document #1C, though he said ''it is certainly possible'' that you raised the documents with him.

A. Did you receive and examine documents related to interrogation techniques at Guantanamo in late 2002, including any of the three documents specified in Document #1C? If so, when? Did you bring these documents to the attention of 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?

B. If you examined the document described in Document #1C as an Army Legal Brief on Proposed Counter-Resistance Strategies, did you discuss the legal analysis contained in that document with Mr. Wainstein? If not, why not? If so, did either Mr. Wainstein or you have any concerns about that legal analysis?

4. Also contained in the packet I provided Mr. Wainstein were a number of other documents in which you were also named:

Document #2, entitled ''Legal Analysis of Interrogation Techniques,'' indicates that it was forwarded to you on November 27, 2002.

Document #2A, dated December 2,2002, entitled ''Legal Issues,'' requests that a ''Legal Issues Doc'' be forwarded to you or an appropriate person. Document #2B, dated December 3, 2002, is an email from you and is entitled ''Fwd Re Legal Issues Re GTMO.''

Document #2C, dated December 9, 2002, states that it includes a number of documents which may be ''of interest'' to you and states that you are ''reviewing legal aspects of interviews'' at Guantanamo. That same email describes one of the attachments as a ''review of interrogation methods by a DoD lawyer.''

Document #2E, another email from you, dated December 17, 2002, is entitled ''Fwd Legal Issues re Guantanamo Bay.''

A. Do you know the name of the author of the ''Legal Analysis'' document (Document #2)? If so, please provide the name.

B. Did you at any time discuss the analysis contained in the ''Legal Analysis'' document (Document #2) 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?

C. The ''Legal Analysis'' document (Document #2) describes one ''Category IV'' interrogation technique as ''Detainee will be sent off [Guantanamo], either temporarily or permanently, to Jordan, Egypt, or another third country to allow those countries to employ interrogation techniques that will enable them to obtain the requisite information.'' This would appear to suggest the use of rendition as an interrogation technique. Did you at any time discuss the issue of rendition 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?

Did you or any attorney in the FBI OGC conduct a review the legal aspects of interrogation techniques at Guantanamo? If not, why not? Did you or any other person in your presence discuss this review with Mr. Wainstein? If so, are you aware of whether he took any actions or directed you to take any actions as a result?

In addition, please provide unredacted copies of the documents in the attached packet for which you were the sender, a recipient, or in which you were specifically named.

Thank you for your prompt responses to these questions.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 21, 2006.

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 him some 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 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 in 2002 or 2003.'' 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 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 interrogation practices at Guantanamo. Did you discuss these concerns 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 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 Guantanamo.'' You add that Mr. Wainstein concurred in this suggestion. When did you first contact the DoD/OGC regarding FBI personnel's 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 state 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 particular action was necessary on the part of the FBI.''

A. Did you provide the ''Legal Issues Doc'' to the DoD/OGC? If so, when?

B. 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? If so, what was the nature of those discussions?

4. In your response to Question #3B, you state that you provided the attachments to Document #1C, including the Army Legal Brief on Proposed Counter-Resistance Strategies, to the Defense Humint Services Deputy 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 ''unredacted copies of the documents in the attached packet for which you were the sender, recipient, or in which you were specifically named.'' This request is still outstanding.

Thank you for your prompt response.

Sincerely,

CARL LEVIN.

JUNE 19, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your letter dated June 9, 2006, requesting additional information regarding my nomination to be the first Assistant Attorney General for National Security. Below are the answers to your specific questions.

Answer to Question 1: I do not have unredacted copies of any of the documents you provided me at our meeting on May 15, 2006. I am aware that you have made similar inquiry to Director Mueller, and I have alerted the Department of Justice, Office of Legislative Affairs, of your request.

Answer to Question 2: I understand that Marion ''Spike'' Bowman conveyed concerns to the DoD General Counsel's Office about DoD interrogation techniques at some point. I do not know to whom Mr. Bowman spoke, how often, or the date of any communications.

Answer to Questions 3 A), B), C), D) and E): As I have previously indicated, I do not recall having seen the document marked as #2, or the various emails marked #2A, #2B, #2C, #2D or #2E; nor do I recall having specific conversations about them with Mr. Bowman or any other FBI Office of General Counsel (OGC) lawyer. I do not recall ever hearing that Mr. Bowman or any other OGC lawyer was undertaking any formal legal review or legal 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—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 and believed they were not effective at soliciting useful information that could be used in subsequent prosecutions. As I saw In response to the first set of questions (Question 1, subpart Fiii), it is certainly possible that Mr. Bowman or other OGC attorneys were among those from whom I heard about those concerns.

Answer to Question 3F): I do not know who authored the document labeled #2.

Answer to Question 4: I do not have the results of the survey conducted after the Director's May 20, 2004 hearing. I left the FBI on May 29, 2004, to become the interim United States Attorney for the District of Columbia. As I indicated in my previous responses to your first set of post-hearing questions, I do not know anything about the results of the survey beyond the information publicly disclosed by Director Mueller that I cited in my previous responses.

Answer to Question 5: I do not know whether the FBI raised any such concern with the NSA.

Answer to Question 6: My view that it would be inappropriate for me to comment about discussions with Director Mueller is based upon the confidentiality interests that are implicated by my role as his chief of staff and FBI General Counsel. I have been advised that this is consistent with longstanding executive branch concerns that disclosure of such communications would chill the provision of candid, frank advice to senior officials, such as Director Mueller, which is important to their effective, fully-informed decision-making.

I have made every effort, however, to respond to committee requests for information relating to my fitness for the position of Assistant Attorney General. I have met with individual Senators and remain available for further meetings with any Senator who would like to speak with me. I also have responded to multiple rounds of pre- and post-hearing questions, in addition to my appearances before the two separate committees of the Senate relating to my nomination. I have been happy to provide this information, and I remain ready and willing to provide information relevant to the Senate's consideration of my fitness and ability to fulfill the responsibilities of the Assistant Attorney General for National Security.

Thank you for the opportunity to provide this additional information regarding my previous responses, and I look forward to the Committee's consideration of my nomination.

Sincerely,

KENNETH L. WAINSTEIN.

JULY 14, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for the questions in your June 29, 2006, letter, and for your questioning throughout this confirmation process. I have carefully reviewed your questions, and I have drafted my responses based on my review of the written responses from Mr. Bowman and the Federal Bureau of Investigation (FBI) e-mails and memos that you provided me.

I. CONCERNS REGARDING INTERROGATIONS AT GUANTANAMO

The first of your two questions relates to concerns about the interrogation techniques that Department of Defense (DOD) personnel were using with detainees in Guantanamo. I appreciate your concern about the treatment of detainees. As a criminal prosecutor for most of the past seventeen years, I have frequently been questioned about the treatment and interrogation of suspects, defendants and prisoners in my prosecutions. I have litigated suppression motions in numerous homicide and other criminal cases where I had the burden of demonstrating that a confession was procured under conditions and circumstances that passed constitutional muster. I have always considered this scrutiny to be a part of my job, and I recognize the government's fundamental obligations toward those it holds in custody.

As I explained in previous responses, it was fairly well known during my tenure at the FBI that some FBI personnel were concerned about the DOD's use of aggressive interrogation techniques in Guantanamo. There was a sentiment that DOD's techniques were not effective in eliciting useful information and that DOD should instead use the rapport-building approach that is routinely practiced by the FBI and law enforcement in general. There also was a concern that DOD's techniques could complicate the introduction of subsequent admissions by detainees in any potential future criminal prosecutions.

Your letter inquires about the concerns regarding DOD interrogations that were communicated to former Deputy General Counsel Marion Bowman in late 2002 an early 2003. During this time period, I recall hearing about the concerns described in the previous paragraph. However, as I have previously explained, I do not recall hearing any reports of torture or illegal conduct, and it was my understanding at that time—and remains my understanding today—that the techniques of concern to FBI personnel had been authorized by the Department of Defense.

Although I heard concerns about the DOD interrogation techniques during that time period, I do not recall hearing them specifically from Mr. Bowman. As I indicated in previous responses, it is entirely possible that he and I discussed the issue, but there is nothing about any such conversation(s) that sets it apart in my memory. Similarly, while Mr. Bowman believes he would have spoken to me about some of the concerns he was hearing, his written responses indicate that he also cannot recall any specific conversations. 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 DOD and that they 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 detainee interrogations with an one in Main Justice—or directing anyone else to do so—I do recall orally discussing detainee interrogations with Director Mueller at some point in 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 employing 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 questions for the record on pages 2–3). 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 guidelines.

II. CONVERSATIONS ABOUT THE TERRORIST SURVEILLANCE PROGRAM I

Your second question asks whether I am asserting any privilege in declining to describe any conversations I had with Director 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 long-standing Executive Branch practice of protections the dentiality of internal advice and other deliberatlons. 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 issues. If employees have to worry that their deliberations will be disclosed outside of the agency; then they will become reluctant to provide their candid input and the decision making process will suffer.

III. CONCLUSION

I trust that this letter responds to your questions. It has been my objective throughout this process to be as candid and forthcoming as possible, and to assure you that I am worthy of your confidence to handle the important national security responsibilities of the position for which I have been nominated. 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, DC, June 29, 2006.

Mr. KENNETH WAINSTEIN.
Washington, DC.

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 he 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, Mr. Bowman's response states that, approximately one month after BAU personnel contacted him with their concerns, he was informed about ''legal concerns'' that DoD personnel had with the tactics. Mr. Bowman states that he believes that he would have discussed these legal concerns with you. Mr. Bowman also states that he believes that he showed you or discussced with you the ''Legal Analysis of Interrogation Techniques'' document referenced in document #1 C. That document refers to examples of coercive interrogation tchniques which may violate 18 U.S.C. s. 2340 (Torture Statute).''

Please advise whether, at any time, you informed or directed others to inform Director Mueller and/or any Department of Justice (DOJ) official, including but not limietd to officials in the Attorney General's office, DOJ's Office of Legal Counsel, or DOJ Criminal Division of concerns about DoD interrogation tactics that had been brought to your office, regardless of the source of those concerns. If so, please provide the name of the official(s) you contacted or who were contacted at your direction. If concerns were communicated in writing, please provide a copy; if orally, please describe the substance of the conversation. If you did not contact any such official(s) or direct others to do so, please advise me as to why you did not.

You also state in your letter that ''the confidentiality interests that are implicated by my role as his chief of staff and FBI General Counsel'' preclude you from answering my questions regarding your conversations with Director Mueller on the legal rationale for warrantless wiretaps.

Please advise as to whether you are asserting any privilege in declining to describe those discussions and provide the legal basis for that privilege and your assertion of it.

Finally, following my staffs discussion with the Department of Justice, I will provide the Department with a list of 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, DC.

SENATOR LEVIN: You sent me a second set of questions with respect to Mr. Kenneth Wainstein, which I received on Friday, August 4, 2006. Your focus, once again, is ''detainee'' 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 change in recent years, did not have personal access to them when I last replied. Additionally, because I no longer work for the Department of Justice, my answers to your questions should not imply concurrence by the Department of Justice or the Federal Bureau of Investigation in any of my responses.

You asked:

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 in 2002 or 2003.'' 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 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 interrogation practices at Guantanamo. Did you discuss these concerns with Director Mueller in late 2002? If so, what was the nature of those discussions? 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 the issuance of that policy.

Answer: I do not recall when Director Mueller issued that policy. However, I can tell you that the operational prohibition came earlier. As soon as I heard from BAU I talked with (now retired) Executive Assistant Director Pat D'Amuro who immediately said we (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 conversation was longer than indicated so I want to be sure the ''sound bite'' is not misinterpreted. EAD D'Amuro was not saying that FBI would ignore anything unlawful. 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.

Answer: You will have to seek any documents from the Department of Justice as I no longer have access to any of them.

2. In your response to Question #1B, 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 Guantanamo.'' You add that Mr. Wainstein concurred in this suggestion. When did you first contact the DoD/OGC regarding FBI personnel's concerns about the treatment of detainees in Guantanamo? Was it in late 2002? To whom did you communicate these concerns?

Answer: I cannot be precise. My best guess, which is probably pretty accurate, is that it was mid- to late November of 2002. I first called the acting Deputy General Counsel for Intelligence. Subsequently I talked with the Principal Deputy General Counsel and the General Counsel. My best recollection is that I talked briefly with the Principal Deputy shortly thereafter and with both Principal Deputy General Counsel and the General Counsel several months later. I'm sorry; I can't be more precise than that.

3. In your response to question #3A, you state 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 particular action was necessary on the part of the FBI.''

A. Did you provide the ''Legal Issues Doc'' to the DoD/OGC? If so when?

Answer: I offered the documents to the General Counsel's office and described generally the contents of the documents included in the bundle that was forwarded to me by BAU, but was told that they believed they already had all the documents I possessed.

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? If so, what was the nature of those discussions?

Answer: This could be a very lengthy response, but the short version is that, based on my experiences as a 27–year veteran of military service, a substantial portion of which dealt both with issues of the Law of Armed Conflict and, for a variety of reasons, directly with the DoD General Counsel's office (through multiple General Counsels), I believed bringing the issue to the attention of appropriate authority would result in any remedial action deemed necessary or appropriate. When I talked with the acting Deputy General Counsel for Intelligence, a person whom I knew well, I was told that the matter was not in his purview, but that it was being handled by the Principal Deputy. That made perfect sense to me, as the acting Deputy General Counsel for Intelligence had no military experience, while the Principal Deputy was retired military.

4. In your response to Question #3B, you state that you provided the attachments to Document #1C, including the Army Legal Brief on Proposed Counter-Resistance Strategies, to the Defense Humint Service's Deputy General Counsel. Please provide the name of the individual in that office to whom you provided these documents. When did you do so?

Answer: The Deputy General Counsel for Defense Humint Services is retired Colonel James Schmidli. My best guess on timing was in the mid-December 2002 to mid-January 2003 time frame. I did not give copies to Mr. Schmidli, but he did read them in my office.

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?

Answer: To the best of my recollection, this is what I was told when the documents were forwarded to me.

B. What is your understanding of the source from which the agent copied the contents of the document?

Answer: I have no present recollection of that.

In closing, I will remind you that any documents you desire will have to be requested from the Department of Justice. I hope this is helpful to your understanding that this period was one in which facts were still uncertain but reasonably believed to be in the hands of the Department of Defense for any actions necessary. In that respect, it is my firm belief that Mr. Wainstein acted with complete propriety throughout.

Respectfully,

M.E. BOWMAN,
CAPT, JAGC, USN (ret.).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5:20 on Monday, September 25, the Senate proceed to executive session for the consideration of the following judicial nomination on the executive calendar; No. 920, Francisco Besosa to be a United States District Judge for the District of Puerto Rico; provided further that the time until 5:30 be equally divided between the chairman and ranking member of the Judiciary Committee or their designee; provided further that at 5:30 the Senate proceed to a vote on the nomination, with no intervening action or debate; that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 25th anniversary of the imposition of martial law by the Communist government in Poland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed, to the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas, on May 9, 1945, Europe declared victory over the oppression of the Nazi regime;

Whereas Poland and other countries in Central, Eastern, and Southern Europe soon fell under the oppressive control of the Soviet Union;

Whereas for decades the people of Poland struggled heroicly for freedom and democracy against that oppression, paying at times the ultimate sacrifice;

Whereas, in 1980, the Solidarity Trade Union was formed in Poland;

Whereas membership in the Solidarity Trade Union grew rapidly in size to 10,000,000 members, and the Union obtained unprecedented moral power that soon threatened the Communist government in Poland;

Whereas, on December 13, 1981, the Communist government in Poland crushed the Solidarity Trade Union, imprisoned the leaders of the Union, and imposed martial law on 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;

Whereas the people of the United States expressed their support on Christmas Eve 1981 by lighting candles in their homes to show solidarity with the people of Poland who were suffering under martial law;

Whereas, in 1989, the people of Poland finally won the right to hold free parliamentary elections, which led to the election of Poland's first Prime Minister during the post-war era who was not a member of the Communist party, Mr. Tadeusz Mazowiecki; and

Whereas, in 2006, Poland is an important member of the European Union, one of the closest allies of the United States, a contributing partner in the North Atlantic Treaty Organisation, 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 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.

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 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 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 $14,600,000,000 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 Coevolution 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 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 clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (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.

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. 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 internal 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 the disease 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 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 often feel 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;

(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 clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 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 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 while sustaining the natural resources and improving the livelihood of all Kansans;

Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including participation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana;

Whereas the faculty in the Department of Agronomy have 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;

Whereas the faculty in the Department of Agronomy have conducted research for sustainable, efficient crop and range production systems that conserve natural resources and protect environmental quality;

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;

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, tillage and production systems, evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive;

Whereas the Department of Agronomy faculty have prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources;

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, scientists, missionaries, 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, developing seeds for the Green Revolution, developing sorghum into an important crop, breeding ''Miracle Rice'' for Asia, and leading national programs in wheat, barley, oat, and alfalfa: Now, therefore, be it

Resolved, That the Senate congratulates and commends the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, the citizens of Kansas, the United States, and the world.

LIGHTS ON AFTERSCHOOL

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration, and the Senate now proceed to S. Con. Res. 116.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) supporting ''Lights On Afterschool,'' a national celebration of after school programs.

There being no objection, the Senate proceeded to consider the concurrent resolution.

LIGHTS ON AFTERSCHOOL

Mrs. BOXER. Mr. President, Today, I ask my colleagues to recognize the 7th Annual Lights on Afterschool events taking place across the country on October 12, 2006. ''Lights on Afterschool is a national celebration in which more than 1 million Americans will gather in their communities to recognize the important role that afterschool programs provide for the children in this country.

Afterschool providers throughout California and across the country have demonstrated that afterschool programs keep children safe, improve learning, and reduce crime and drug use. According to the FBI, youth are most at risk for being victims of violent crimes and committing violent acts between 3 p.m. and 6 p.m.—after school is out and before parents arrive home. Afterschool programs keep children safe, reduce crime and drug use, and improve academic performance.

As we take this occasion to recognize the afterschool program providers, we also must honor the communities that also contribute to the enrichment of these afterschool activities that provide safe and supervised afterschool educational, enrichment, and recreational programs. The partnerships you have forged with the afterschool program providers are instrumental in their success. There is no responsibility greater than ensuring that our children can learn and grow in a safe environment.

Afterschool programs are critical to the success of American families. These programs make it easier for parents to go to work because they know that their children are in a safe and nourishing environment. According to the Afterschool Alliance, 14.3 million children go home to an empty house every day. We must work to ensure these children have access to these programs that are vital to developing cultural and social skills, as well as the academic enrichment that the programs provide.

Afterschool is a wise investment in our children's future. That is why I will continue to work to make after school a national priority—so that we can bring Federal resources to support great local programs to keep the lights on and the doors open.

I send my sincere thanks to everyone working in programs and schools involved with Lights on Afterschool and for all of the work you have done and continue to do in creating partnerships that promote and enhance afterschool programs.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 116

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;

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;

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;

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: Now, 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.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2562.

The PRESIDING OFFICER. The clerk will report the bill by title.

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.

(At the request of Mr. REID, the following statment 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 increase, 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 the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) 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 under subsections (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 next lower 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 payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination 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 that the Supreme Court presented to us specifically several months ago. As a result 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 issue 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 all now understand is the Hamdan decision made it again 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 obtain information 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. I was pleased 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 WARNER, chairman of the Committee on Armed Services, Senator 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 whatever 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 criteria 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.

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. 5033), in the nature of a substitute, was agreed to.

(The amendment is 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, we called it a 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 this 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 maybe 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 FEDERATION

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.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 574) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 574

Whereas the North Carolina Farm Bureau Federation was founded on March 2, 1936, in Greenville, North Carolina, during the Great Depression, a period of national frustration and economic disaster;

Whereas the North Carolina Farm Bureau Federation was established to organize North Carolina's farm families and to maximize their ability to engage in national, State, and local policy debates that affect North Carolina agriculture;

Whereas at its first annual meeting in Raleigh, North Carolina, on July 30, 1936, the North Carolina Farm Bureau Federation had slightly over 2,000 members from 24 counties;

Whereas in 2005, the North Carolina Farm Bureau Federation was composed of approximately 490,000 member families from all 100 counties of North Carolina, making it the second largest State farm bureau in the United States;

Whereas the North Carolina Farm Bureau Federation created a Women's Program in 1942 and a Young Farmer and Rancher Program in the 1970s to encourage leadership development among its members;

Whereas the North Carolina Farm Bureau Federation is committed to advancing agricultural education in North Carolina through its R. Flake Shaw Scholarship Fund, established in 1958, and the Institute for Future Agricultural Leaders, founded in 1984, which help ensure that the young men and women of North Carolina are well prepared for careers in agriculture;

Whereas the North Carolina Farm Bureau Federation created and continues to sponsor the Ag-In-The-Classroom initiative to introduce children to North Carolina agriculture and to improve the quality of teachers in North Carolina schools;

Whereas the North Carolina Farm Bureau Federation's visionary Board of Directors developed numerous initiatives that enable farmers to effectively produce and sell their products, such as the organization's marketing program, and that provide farmers with access to necessary farm resources, such as the tires, batteries, and accessories service;

Whereas in 1953, 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;

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 1 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 expired, 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.; 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 2 p.m. on Monday, September 25. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of

proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business, with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will be in session for a very brief period of time, but we will not have any votes to accommodate those Senators who wish to celebrate Rosh Hashanah. Senators are reminded that we have 1 more week of session and we have a lot of work to do, a lot of important legislative and executive items to wrap up. Senators should be forewarned that there are going to be very busy days throughout the week, and they should plan their schedules accordingly. Thus, our next vote will be at 5:30 on Monday, and that vote will be on the confirmation of a U.S. district judge.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Friday, September 22, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 2006:

NATIONAL TRANSPORTATION SAFETY BOARD

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, VICE ELLEN G. ENGLEMAN, RESIGNED.

DEPARTMENT OF STATE

CRAIG ROBERTS STAPLETON, OF CONNECTICUT, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONACO.

RONALD SPOGLI, OF CALIFORNIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE PAUL WILLIAM SPELTZ.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MARGARET A. BLOMME, 0000
BRUCE F. BRUNI, 0000
WILLARD S. ELLIS, 0000
ROBERT P. FORGIT, 0000
HAROLD J. FRENCH, 0000
KURT B. HINRICHS, 0000
JOHN T. LAUFER, 0000
STEVAN C. LITTLE, 0000
SCOTT F. OGAN, 0000
FRANCIS S. PELKOWSKI, 0000
FRED W. REMEN, 0000
MILLARD F. ROBERTS, 0000
NONA M. SMITH, 0000
RICKEY D. THOMAS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

MEREDITH L. AUSTIN, 0000
STEVEN T. BAYNES, 0000
THOMAS D. BEISTLE, 0000
CARLYLE A. BLOMME, 0000
ROBERT E. BROGAN, 0000
WAYNE P. BROWN, 0000
ROBERT S. BURCHELL, 0000
JOHN R. CAPLIS, 0000
MARK A. CAWTHORN, 0000
MICHAEL B. CHRISTIAN, 0000
BARRY A. COMPAGNONI, 0000
MARK E. DOLAN, 0000
BRAD W. FABLING, 0000
LINDA L. FAGAN, 0000
LISA M. FESTA, 0000
JAMES J. FISHER, 0000
BRENDAN C. FROST, 0000
KARL J. GABRIELSEN, 0000
MICHAEL S. GARDINER, 0000
EDWARD J. GIBBONS, 0000
GLENN F. GRAHL, 0000
CATHERINE A. HAINES, 0000
KELLY L. HATFIELD, 0000
MICHAEL J. HAYCOCK, 0000
JOHN N. HEALY, 0000
LISA T. HEFFELFINGER, 0000
JAMES M. HEINZ, 0000
MARK S. HEMANN, 0000
JOHN J. HICKEY, 0000
MARK J. HUEBSCHMAN, 0000
MICHAEL C. HUSAK, 0000
JAY JEWESS, 0000
FRANK H. KINGETT, 0000
SCOTT A. KITCHEN, 0000
ROBERT J. KLAPPROTH, 0000
JOSEPH B. KOLB, 0000
JOHN W. KOSTER, 0000
GARY D. LAKIN, 0000
BOBBY M. LAM, 0000
THOMAS F. LENNON, 0000
PATRICK LITTLE, 0000
JAMES F. MARTIN, 0000
CHRISTOPHER A. MARTINO, 0000
LORI A. MATHIEU, 0000
JAMES G. MAZZONNA, 0000
MICHAEL F. MCALLISTER, 0000
DAVID A. MCBRIDE, 0000
DOUGLAS R. MCCRIMMON, 0000
JOSEPH C. MCGUINESS, 0000
MATTHEW E. MILLER, 0000
WILLIAM J. MILNE, 0000
DAVID W. NEWTON, 0000
HUNG M. NGUYEN, 0000
MARK S. OGLE, 0000
PETER K. OITTINEN, 0000
JOSEPH S. PARADIS, 0000
JOHN R. PASCH, 0000
ROBERT J. PAULISON, 0000
DREW W. PEARSON, 0000
JOSEPH D. PHILLIPS, 0000
SCOTT M. POLLOCK, 0000
DREW A. RAMBO, 0000
JOSEPH M. RE, 0000
KENNETH J. REYNOLDS, 0000
CHRISTOPHER L. ROBERGE, 0000
BYRON H. ROMINE, 0000
JUNE E. RYAN, 0000
CHRISTOPHER P. SCRABA, 0000
JAMES P. SOMMER, 0000
GARY S. SPENIK, 0000
GREGORY J. SUNDGAARD, 0000
CHRISTOPHER J. TOMNEY, 0000
MICHAEL E. TOUSLEY, 0000
ROSANNE TRABOCCHI, 0000
MARK A. TRUE, 0000
STEVEN C. TRUHLAR, 0000
DAVID A. VAUGHN, 0000
MATTHEW VONRUDEN, 0000
RODERICK E. WALKER, 0000
JAMES A. WIERZBICKI, 0000
WERNER A. WINZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

JOYCE E. AIVALOTIS, 0000
CHARLES G. ALCOCK, 0000
JAMES E. ANDREWS, 0000
WILLIAM J. ANTONAKIS, 0000
DARNELL C. BALDINELLI, 0000
CHARLES B. BARBEE, 0000
MICHAEL A. BAROODY, 0000
DALE K. BATEMAN, 0000
DAVID E. BECK, 0000
ALAN L. BLUME, 0000
COREY BONHEIM, 0000
GEOFF R. BORREE, 0000
JEROME K. BRADFORD, 0000
KEVIN F. BRUEN, 0000
MARK J. BRUYERE, 0000
DAVID A. BULLOCK, 0000
GREGORY A. BURG, 0000
JOSEPH S. CALNAN, 0000
MARK A. CAMACHO, 0000
JOSEPH M. CARROLL, 0000
GREGORY L. CARTER, 0000
STEPHEN H. CHAMBERLIN, 0000
GERALD M. CHARLTON, 0000
PETER J. CLEMENS, 0000
AMY B. COCANOUR, 0000
TODD M. COGGESHALL, 0000
BENJAMIN A. COOPER, 0000
JONATHAN E. COPLEY, 0000
TIMOTHY M. CUMMINS, 0000
DEAN J. DARDIS, 0000
MICHAEL H. DAY, 0000
ANDRES V. DELGADO, 0000
TIMOTHY D. DENBY, 0000
PAUL E. DITTMAN, 0000
MARK P. DORAN, 0000
JEFFREY D. DOW, 0000
MICHAEL J. DREIER, 0000
THOMAS P. DURAND, 0000
JAMES E. ELLIOTT, 0000
KENT W. EVERINGHAM, 0000
MARK J. FEDOR, 0000
BOB I. FEIGENBLATT, 0000
LEE S. FIELDS, 0000
PAUL A. FLYNN, 0000
CHARLES E. FOSSE, 0000
DANIEL J. FRANK, 0000
MICHAEL L. GATLIN, 0000
ROBERT C. GAUDET, 0000
KEVIN P. GAVIN, 0000
CLAUDIA C. GELZER, 0000
SHANNON N. GILREATH, 0000
LAWRENCE E. GREENE, 0000
DUSTIN E. HAMACHER, 0000
RICHARD C. HAMBLET, 0000
ROBERT T. HANNAH, 0000
THOMAS W. HARKER, 0000
LONNIE P. HARRISON, 0000
ROBERT T. HENDRICKSON, 0000
GLENA T. HERMES-SANCHEZ, 0000
GLENN C. HERNANDEZ, 0000
CHRISTOPHER M. HOLLINGSHEAD, 0000
RONALD S. HORN, 0000
RICHARD E. HORNER, 0000
PEDRO L. JIMENEZ, 0000
ERIC G. JOHNSON, 0000
KEVIN A. JONES, 0000
TERI L. JORDAN, 0000
VIRGINIA J. KAMMER, 0000
KEVIN M. KEAST, 0000
BRENDA K. KERR, 0000
LAWRENCE A. KILEY, 0000
SUSAN R. KLEIN, 0000
NATHAN E. KNAPP, 0000
SUZANNE E. LANDRY, 0000
WILLIAM J. LANE, 0000
JOHN H. LANG, 0000
MICHAEL P. LEBSACK, 0000
JOSEPH F. LECATO, 0000
SCOTT B. LEMASTERS, 0000
CAROLA J. G. LIST, 0000
CHRISTIAN R. LUND, 0000
KEVIN C. LYONS, 0000
THOMAS S. MACDONALD, 0000
EDWARD J. MAROHN, 0000
KIRSTEN R. MARTIN, 0000
JOHN W. MAUGER, 0000
TIMOTHY A. MAYER, 0000
DAVID G. MCCLELLAN, 0000
ROBERT S. MCCLURE, 0000
JEFFREY R. MCCULLARS, 0000
PATRICK S. MCELLIGATT, 0000
DARRAN J. MCLENON, 0000
KEITH P. MCTIGUE, 0000
STEPHEN M. MIDAS, 0000
NATHAN A. MOORE, 0000
MARK J. MORIN, 0000
MITCHELL A. MORRISON, 0000
ANDREW D. MYERS, 0000
MICHAEL C. NEININGER, 0000
DANIEL R. NORTON, 0000
PETER C. NOURSE, 0000
RANDAL S. OGRYDZIAK, 0000
DAVID J. PALAZZETTI, 0000
ANDREW M. RAIHA, 0000
STEPHEN E. RANEY, 0000
MICHAEL W. RAYMOND, 0000
SEAN P. REGAN, 0000
PAUL E. RENDON, 0000
JONATHON N. RIFFE, 0000
BRADLEY J. RIPKEY, 0000
MELISSA L. RIVERA, 0000
GREGORY S. ROBERTSON, 0000
BRIAN W. ROCHE, 0000
RICARDO RODRIGUEZ, 0000
PATRICK A. ROPP, 0000
MICHAEL T. RORSTAD, 0000
WILLIAM E. RUNNELS, 0000
ORIN E. RUSH, 0000
JOSE A. SALICETI, 0000
THOMAS J. SALVEGGIO, 0000
EDWARD W. SANDLIN, 0000
KARA M. SATRA, 0000
DAVID SAVATGY, 0000
TIMOTHY J. SCHANG, 0000
HARRY M. SCHMIDT, 0000
PATRICK H. SCHMIDT, 0000
DOUGLAS M. SCHOFIELD, 0000
JOSEPH R. SIEMIATKOWSKI, 0000
ROBERT L. SMITH, 0000
ROGER A. SMITH, 0000
JONATHAN S. SPANER, 0000
MIKEAL S. STAIER, 0000
JAMES A. STEWART, 0000
SCOTT D. STEWART, 0000
EDWARD M. STPIERRE, 0000
TODD R. STYRWOLD, 0000
ERICH M. TELFER, 0000
STEVEN C. TESCHENDORF, 0000
JEFFERY W. THOMAS, 0000
PHILLIP R. THORNE, 0000
RICHARD V. TIMME, 0000
WILLIAM R. TIMMONS, 0000
TIMOTHY A. TOBIASZ, 0000
GARY L. TOMASULO, 0000
CARLOS A. TORRES, 0000

JONATHAN W. TOTTE, 0000
MICHAEL T. TRIMPERT, 0000
RANDALL G. WAGNER, 0000
ROBERT W. WARREN, 0000
BRIAN P. WASHBURN, 0000
TIMOTHY J. WENDT, 0000
EDWARD A. WESTFALL, 0000
JEFFREY C. WESTLING, 0000
BRIAN R. WETZLER, 0000
GERARD A. WILLIAMS, 0000
KARL R. WILLIS, 0000
JOSE M. ZUNIGA, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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 E. JOHNS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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

LT. GEN. ROBERT D. BISHOP, JR., 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. JOSEPH F. PETERSON, 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. JAMES D. THURMAN, 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

LT. GEN. PETER W. CHIARELLI, 0000

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 vice admiral

REAR ADM. PAUL S. STANLEY, 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(A):

To be colonel

RUSSELL G. BOESTER, 0000

To be lieutenant colonel

CHARLES E. CLARK, 0000
EDWARD CULTER, 0000
PANKAG GOYAL, 0000
ANDREA HILLERUD, 0000
ROBERT J. JOHNSON, 0000
ALAN R. NEEFE, 0000
JOHN POAGE, 0000
DUANE C. TUCKER, 0000
MUSSARET A. ZUBERI, 0000

To be major

JOSEPH COLLICA, 0000
PATRICIA E. DALEY, 0000
DIANN B. GORDON, 0000
CHRISTINE M. HOUSER, 0000
LAWRENCE KOSS, 0000
DAVID M. LEVITT, 0000
JULIANA MIRODONE, 0000
BRENDA L. OWEN, 0000
JUAN PACKER, 0000
JAMES M. SCOTT, 0000
VLAD V. STANILA, 0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ILIN CHUANG, 0000

To be lieutenant commander

WILLIAM P. SMITH, 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. JIMENEZ, OF FLORIDA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

IN THE COAST GUARD

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. CYNTHIA A. COOGAN
CAPT. DAVID T. GLENN
CAPT. MARY E. LANDRY
CAPT. RONALD J. RABAGO
CAPT. PAUL F. ZUKUNFT

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 OCTOBER 6, 2010.

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.

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 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.

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 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.

DEPARTMENT OF LABOR

RANDOLPH JAMES CLERIHUE, 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

LAUREN M. MADDOX, OF VIRGINIA, TO BE 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 DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATION OF TINA J. URBAN TO BE LIEUTENANT.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JUDITH LOUISE BADER AND ENDING WITH RAQUEL ANTONIA PEAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2006.

EXTENSIONS OF REMARKS

ONE NATION UNDER GOD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. POE. Mr. Speaker, 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 the outsourcing of 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 volunteers 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 region, and 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 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 nationwide Cadet Corps.

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, Inc.

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 realistic view of military life, allowing them 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, 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 to express my support of the American Cadet Alliance unit in Fresno, CA, and to extend my sincere appreciation to all of the local efforts to ensure this program's success. I urge my colleagues to join me in wishing the American Cadet Alliance many years of continued success.

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.

America 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 Caucus on Central and Eastern Europe, I had 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 and 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 felt 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 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 support and complement the addiction counselors' efforts in helping many Americans afflicted with addiction. We need to give them all of the support we can.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the valuable contributions of all those who devote their time and energy to addiction recovery. We should honor and appreciate their hard work. Congress has shown strong support for this issue. However, we are far from victory, and we must continue

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 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.

Jesse has been very active with 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 uniter 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 schools 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 rules or criminal laws are being broken, than by conducting widespread unsubstantiated searches.

While 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 obsolete statute or obeying the modified Court decision and risking the loss of funding under this 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 100 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 8, 1924 Mabel married James Edward Norwood. Together they had 6 daughters, Marie Roberts, Betty Ball, Harriet 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 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 pause 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 high 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, and 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 rollcalls 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. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. HINCHEY. 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 rule for 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.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Thomas held the principal leadership position of Venturing Crew Treasurer and has actively supported VFW Post 7356 in Parkville, Missouri.

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.

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 Trade 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 and their families 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 thank him for forty years of remarkable 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 area residents 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 many years Byron 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

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. KUCINICH. Mr. Speaker, I submit the following for the RECORD.

[From Time Magazine, Sept. 17, 2006]

WHAT WOULD WAR LOOK LIKE?

(By Michael Duffy)

The first message was routine enough: a ''Prepare to Deploy'' order sent through naval communications channels to a submarine, an Aegis-class cruiser, two minesweepers 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 a 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 had asked for a rundown 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 dues. There are only a few places in the world where minesweepers 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 through 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 minesweepers 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—let 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 always plan,'' says 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 military exercise. And yet from the State Department to the White House to the highest reaches of the military command, there is a growing sense that a showdown with Iran—over its suspected quest for nuclear weapons, its threats against Israel and its bid for dominance of the world's richest oil region—may be impossible to avoid. The chief of the U.S. Central Command (Centcom), General John Abizaid, has called a commanders conference for later this month in the Persian Gulf—sessions he holds at least quarterly—and Iran is on the agenda.

On its face, of course, the notion of a war with Iran seems absurd. By any rational measure, the last thing the U.S. can afford is another war. Two unfinished wars—one on Iran's eastern border, the other on its western flank—are daily depleting America's treasury and overworked armed forces. Most of Washington's allies in those adventures have made it clear they will not join another gamble overseas. What's more, the Bush team, led by Secretary of State Condoleezza Rice, has done more diplomatic spadework on Iran than on any other project in its 5½ years in office. For more than 18 months, Rice has kept the Administration's hard-line faction at bay while leading a coalition that includes four other members of the U.N. Security Council and is trying to force Tehran to halt its suspicious nuclear ambitions. Even Iran's former President, Mohammed Khatami, was in Washington this month calling for a ''dialogue'' between the two nations.

But superpowers don't always get to choose their enemies or the timing of their confrontations. The fact that all sides would risk losing so much in armed conflict doesn't mean they won't stumble into one anyway. And for all the good arguments against any war now, much less this one, there are just as many indications that a genuine, eyeball-to-eyeball crisis between the U.S. and Iran may be looming, and sooner than many realize. ''At the moment,'' says Ali Ansari, a top Iran authority at London's Chatham House, a foreign-policy think tank, ''we are headed for conflict.''

So what would it look like? Interviews with dozens of experts and government officials in Washington, Tehran and elsewhere in the Middle East paint a sobering picture: military action against Iran's nuclear facilities would have a decent chance of succeeding, but at a staggering cost. And therein lies the excruciating calculus facing the U.S. and its allies: Is the cost of confronting Iran greater than the dangers of living with a nuclear Iran? And can anything short of war persuade Tehran's fundamentalist regime to give up its dangerous game?

ROAD TO WAR

The crisis with Iran has been years in the making. Over the past decade, Iran has acquired many of the pieces, parts and plants needed to make a nuclear device. Although Iranian officials insist that Iran's ambitions are limited to nuclear energy, the regime has asserted its right to develop nuclear power and enrich uranium that could be used in bombs as an end in itself—a symbol of sovereign pride, not to mention a useful prop for politicking. Iran's President Mahmoud Ahmadinejad has crisscrossed the country in recent months making Iran's right to a nuclear program a national cause and trying to solidify his base of hard-line support in the Revolutionary Guards. The nuclear program is popular with average Iranians and the élites as well. ''Iranian leaders have this sense of past glory, this belief that Iran should play a lofty role in the world,'' says Nasser Hadian, professor of political science at Tehran University.

But the nuclear program isn't Washington's only worry about Iran. While stoking nationalism at home, Tehran has dramatically consolidated its reach in the region. Since the 1979 Islamic revolution, Iran has sponsored terrorist groups in a handful of countries, but its backing of Hizballah, the militant group that took Lebanon to war with Israel this summer, seems to be changing the Middle East balance of power. There is circumstantial evidence that Iran ordered Hizballah to provoke this summer's war, in part to demonstrate that Tehran can stir up big trouble if pushed to the brink. The precise extent of coordination between Hizballah and Tehran is unknown. But no longer in dispute after the standoff in July is Iran's ability to project power right up to the borders of Israel. It is no coincidence that the talk in Washington about what to do with Iran became more focused after Hizballah fought the Israeli army to a virtual standstill this summer.

And yet the West has been unable to compel Iran to comply with its demands. Despite all the work Rice has put into her coalition, diplomatic efforts are moving too slowly, some believe, to stop the Iranians before they acquire the makings of a nuclear device. And Iran has played its hand shrewdly so far. Tehran took weeks to reply to a formal proposal from the U.N. Security Council calling on a halt to uranium enrichment. When it did, its official response was a mosaic of half-steps, conditions and boilerplate that suggested Tehran has little intention of backing down. ''The Iranians,'' says a Western diplomat in Washington, ''are very able negotiators. ''

That doesn't make war inevitable. But at some point the U.S. and its allies may have to confront the ultimate choice. The Bush Administration has said it won't tolerate Iran having a nuclear weapon. Once it does, the regime will have the capacity to carry out Ahmadinejad's threats to eliminate Israel. And in practical terms, the U.S. would have to consider military action long before Iran had an actual bomb. In military circles, there is a debate about where—and when—to draw that line. U.S. intelligence chief John Negroponte told TIME in April that Iran is 5 years away from having a nuclear weapon. But some nonproliferation experts worry about a different moment: when Iran is able to enrich enough uranium to fuel a bomb—a point that comes well before engineers actually assemble a nuclear device. Many believe that is when a country becomes a nuclear power. That red line, experts say, could be just a year away.

WOULD AN ATTACK WORK?

The answer is yes and no.

No one is talking about a ground invasion of Iran. Too many U.S. troops are tied down elsewhere to make it possible, and besides, it isn't necessary. If the U.S. goal is simply to stunt Iran's nuclear program, it can be done better and more safely by air. An attack limited to Iran's nuclear facilities would nonetheless require a massive campaign. Experts say that Iran has between 18 and 30 nuclear-related facilities. The sites are dispersed around the country—some in the open, some cloaked in the guise of conventional factories, some buried deep underground.

A Pentagon official says that among the known sites there are 1,500 different ''aim points,'' which means the campaign could well require the involvement of almost every type of aircraft in the U.S. arsenal: Stealth bombers and fighters, B–1s and B–2s, as well as F–15s and F–16s operating from land and F–18s from aircraft carriers. GPS-guided munitions and laser-targeted bombs—sighted by satellite, spotter aircraft and unmanned vehicles—would do most of the bunker busting. But because many of the targets are hardened under several feet of reinforced concrete, most would have to be hit over and over to ensure that they were destroyed or sufficiently damaged. The U.S. would have to mount the usual aerial ballet, refueling tankers as well as search-and-rescue helicopters in case pilots were shot down by Iran's aging but possibly still effective air defenses. U.S. submarines and ships could launch cruise missiles as well, but their warheads are generally too small to do much damage to reinforced concrete—and might be used for secondary targets. An operation of that size would hardly be surgical. Many sites are in highly populated areas, so civilian casualties would be a certainty.

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, Iranians might develop second thoughts about their government's designs as a regional nuclear power. Some U.S. foes of Iran's regime believe that the crisis of legitimacy that the ruling clerics would face in the wake of a U.S. attack could trigger their downfall, although others are convinced it would unite the population with the government in anti-American rage.

But 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, continued their work. ''We don't know 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 all that follows?''

Retired Air Force Colonel Sam Gardiner, who taught strategy at the National War College, has been conducting a mock U.S.-Iran war game for American policymakers 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 be to authorize a Hizballah attack on Israel, in order to draw Israel into the war and rally public support at home.

Next, 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 on local populations. Iran has already dabbled in partnership with warlords in western Afghanistan, where U.S. military authority has never been strong; it would be a small step to lend aid to Taliban forces gaining strength in the south. Meanwhile, Tehran has links to the main factions in Iraq, which would welcome a boost in money and weapons, if just to strengthen their hand against rivals. Analysts generally believe that Iran could in a short time orchestrate a dramatic increase in the number and severity of attacks on U.S. troops in Iraq. As Syed Ayad, a secular Shi'ite cleric and Iraqi Member of Parliament says, ''America owns the

sky of Iraq with their Apaches, but Iran owns the ground.''

Next, there is oil. The Persian Gulf, a traffic jam on good days, would become a parking lot. Iran could plant mines and launch dozens of armed boats into the bottleneck, choking off the shipping lanes in the Strait of Hormuz and causing a massive disruption of oil-tanker traffic. A low-key Iranian mining operation in 1987 forced the U.S. to reflag Kuwaiti oil tankers and escort them, in slow-moving files of one and two, up and down the Persian Gulf. A more intense operation would probably send oil prices soaring above $100 per bbl.—which may explain why the Navy wants to be sure its small fleet of minesweepers is ready to go into action at a moment's notice. It is unlikely that Iran would turn off its own oil spigot or halt its exports through pipelines overland, but it could direct its proxies in Iraq and Saudi Arabia to attack pipelines, wells and shipment points inside those countries, further choking supply and driving up prices.

That kind of retaliation could quickly transform a relatively limited U.S. mission in Iran into a much more complicated one involving regime change. An Iran determined to use all its available weapons to counterattack the U.S. and its allies would present a challenge to American prestige that no Commander in Chief would be likely to tolerate for long. Zinni, for one, believes an attack on Iran could eventually lead to U.S. troops on the ground. ''You've got to be careful with your assumptions,'' he says. ''In Iraq, the assumption was that it would be a liberation, not an occupation. You've got to be prepared for the worst case, and the worst case involving Iran takes you down to boots on the ground.'' All that, he says, makes an attack on Iran a ''dumb idea.'' Abizaid, the current Centcom boss, chose his words carefully last May. ''Look, any war with a country that is as big as Iran, that has a terrorist capability along its borders, that has a missile capability that is external to its own borders and that has the ability to affect the world's oil markets is something that everyone needs to contemplate with a great degree of clarity.''

CAN IT BE STOPPED?

Given the chaos that a war might unleash, what options does the world have to avoid it? One approach would be for the U.S. to accept Iran as a nuclear power and learn to live with an Iranian bomb, focusing its efforts on deterrence rather than pre-emption. The risk is that a nuclear-armed Iran would use its regional primacy to become the dominant foreign power in Iraq, threaten Israel and make it harder for Washington to exert its will in the region. And it could provoke Sunni countries in the region, like Saudi Arabia and Egypt, to start nuclear programs of their own to contain rising Shi'ite power.

Those equally unappetizing prospects—war or a new arms race in the Middle East—explain why the White House is kicking up its efforts to resolve the Iran problem before it gets that far. Washington is doing everything it can to make Iran think twice about its ongoing game of stonewall. It is a measure of the Administration's unity on Iran that confrontationalists like Vice President Dick Cheney and Defense Secretary Donald Rumsfeld have lately not wandered off the rhetorical reservation. Everyone has been careful—for now—to stick to Rice's diplomatic emphasis. ''Nobody is considering a military option at this point,'' says an Administration official. ''We're trying to prevent a situation in which the President finds himself having to decide between a nuclear-armed Iran or going to war. The best hope of avoiding that dilemma is hard-nosed diplomacy, one that has serious consequences.''

Rice continues to try for that. This week in New York City, she will push her partners to get behind a new sanctions resolution that would ban Iranian imports of dual-use technologies, like parts for its centrifuge cascades for uranium enrichment, and bar travel overseas by certain government officials. The next step would be restrictions on government purchases of computer software and hardware, office supplies, tires and auto parts—steps Russia and China have signaled some reluctance to endorse. But even Rice's advisers don't believe that Iran can be persuaded to completely abandon its ambitions. Instead, they hope to tie Iran up in a series of suspensions, delays and negotiations until a more pragmatic faction of leadership in Tehran gains the upper hand.

At the moment, that sounds as much like a prayer as a strategy. A former CIA director, asked not long ago whether a moderate faction will ever emerge in Tehran, quipped, ''I don't think I've ever met an Iranian moderate—not at the top of the government, anyway.'' But if sanctions don't work, what might? Outside the Administration, a growing group of foreign policy hands from both parties have called on the U.S. to bring Tehran into direct negotiations in the hope of striking a grand bargain. Under that formula, the U.S. might offer Iran some security guarantees—such as forswearing efforts to topple Iran's theocratic regime—in exchange for Iran's agreeing to open its facilities to international inspectors and abandon weapons-related projects. It would be painful for any U.S. Administration to recognize the legitimacy of a regime that sponsors terrorism and calls for Israel's destruction—but the time may come when that's the only bargaining chip short of war the U.S. has left. And still that may not be enough. ''[The Iranians] would give up nuclear power if they truly believed the U.S. would accept Iran as it is,'' says a university professor in Tehran who asked not to be identified. ''But the mistrust runs too deep for them to believe that is possible.''

Such distrust runs both ways and is getting deeper. Unless the U.S., its allies and Iran can find a way to make diplomacy work, the whispers of blockades and minesweepers in the Persian Gulf may soon be drowned out by the cries of war. And if the U.S. has learned anything over the past 5 years, it's that war in the Middle East rarely goes according to plan.

[From antiwar.com, Feb. 11, 2005]

IRAN WAR DRUMS BEAT HARDER

(By Jim Lobe)

Despite the Bush administration's insistence that, at least for now, it remains committed to using diplomatic means to halt Iran's alleged nuclear weapons program, war drums against the Islamic Republic appear to be beating more loudly here.

Secretary of State Condoleezza Rice assured Europeans on her trip this past week that Washington does indeed support the efforts of France, Britain, and Germany (EU–3) to reach a diplomatic settlement on the issue. However, she also made it clear that Washington has no interest in joining them at the negotiating table or extending much in the way of carrots.

And her consistent refusal to reiterate former Deputy Secretary of State Richard Armitage's flat assertion in December that Washington does not seek ''regime change'' in Tehran has added to the impression that the administration is set firmly on a path toward confrontation.

Whether the administration is pursuing a ''good cop/bad cop'' strategy—in which Washington's role is to brandish the sticks and the EU–3 the carrots—remains unclear, but the voices in favor of an ''engagement'' policy are being drowned out by crescendo of calls to adopt ''regime change'' as U.S. policy.

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 Intelligence Agency (CIA) officer Clare Lopez, appears to reflect the views of the administration's most radical hawks among the Pentagon'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 Tehran 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 exiled and internal opposition against the government—as another policy paper released by the mainly neoconservative Committee on the Present Danger (CPD) in December, but it is also much harsher.

Both papers favored military strikes against suspected nuclear and other weapons facilities if that was the only way to prevent Tehran from acquiring nuclear weapons, and endorsed ''regime change'' as U.S. policy.

But the CPD paper, which had the influential backing of former Secretary of State George Shultz, called for a ''peaceful'' strategy that involved elements of both engagement 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 nuclear ambitions and even in regime change, although the IPC's members expressed greater skepticism that the EU–3 talks will be effective 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 a ''house of cards.''

Instead, the IPC's main emphasis is on more aggressive actions to bring about the desired goals, including military strikes and active efforts to destabilize the government, in major part through the support and deployment of what it calls ''indisputably the largest and most organized Iranian opposition group,'' the Mujahedin e-Khalq (MEK)—an idea that many Iran specialists here believe is likely to prove exceptionally counterproductive.

''[A]s an additional step [in a strategy of destabilization],'' the paper states, ''the United States might encourage the new Iraqi government to extend formal recognition to the MEK, based in Ashraf [Iraq], as a legitimate political organization. Such a recognition would send yet another signal from neighboring Iraq that the noose is tightening around Iran's unelected rulers.''

The MEK fought on Iraq's side during the Iran-Iraq war and has been listed as a ''terrorist group'' by the State Department since 1997 as a result of its assassination of U.S. officials during the Shah's reign and of Iranian officials after the Revolution.

However, it has long been supported by the Pentagon civilians and Cheney's office, and their backers in Congress and the press as a possible asset against Iran despite its official ''terrorist'' status.

Indeed, there have been persistent reports, most recently from a former CIA officer,

Philip Giraldi, in the current edition of the American Conservative magazine, that U.S. Special Forces have been directing members of the group in carrying out reconnaissance and intelligence collection in Iran from bases in Afghanistan and Balochistan, Pakistan, since last summer as part of an effort to identify possible targets for military strikes.

After bombing MEK bases in the opening days of the Iraq invasion in March 2003, the U.S. military worked out a cease-fire agreement that resulted in the group's surrender of its heavy weapons and the concentration of about 4,000 of their members, some of whom have since repatriated voluntarily to Iran, at their base at Ashraf.

The State Department, which was then engaged in quiet talks with Iran about dispersing the group in exchange for Tehran's handing over prominent al-Qaeda members in its custody, clashed repeatedly with the Pentagon over the MEK's treatment.

After State was forced by the White House to break off its dialogue with Tehran following al Qaeda attacks in Saudi Arabia, allegedly ordered from somewhere on Iranian territory, the administration determined that MEK members in Iraq should be given Geneva Convention protections.

The IPC now wants the State Department to take the MEK off the terrorist list, a position backed by several dozen members of Congress who have been actively courted by the group and believe that a confrontation with Iran is inevitable.

''Removing the terrorist designation from the MEK could serve as the most tangible signal to the Iranian regime, as well as to the Iranian people, that a new option is now on the table,'' according to the report.

''Removal might also have the effect of supporting President Bush's assertion [in his State of the Union address] that America stands with the people of Iran in their struggle to liberate themselves.''

But most Iran specialists, both inside and outside the government, who agree that the regime is deeply unpopular, also insist that Washington's endorsement of the MEK will actually bolster the regime in Tehran.

''Everybody I've ever talked to in Iran or who have gone to Iran tell me without exception that these people are despised,'' said Gary Sick. who handled Iranian policy for the National Security Council under former President Jimmy Carter.

When they invaded Iran from Iraq in the last year of the Iran-Iraq war, according to Sick, who teaches at Columbia University, they had expected to march straight to Tehran gathering support all along the way.

''But they never got beyond a little border town before running into stiff resistance. It was a very ugly incident. They had a chance to show what they can do, and the bottom line was nothing very much. I've seen nothing since then to change my estimate,'' he said.

[From the New Yorker, Apr. 17, 2006]

THE IRAN PLANS

(By Seymour M. Hersh)

The Bush Administration, while publicly advocating diplomacy in order to stop Iran from pursuing a nuclear weapon, has increased clandestine activities inside Iran and intensified planning for a possible major air attack. Current and former American military and intelligence officials said that Air Force planning groups are drawing up lists of targets, and teams of American combat troops have been ordered into Iran, under cover, to collect targeting data and to establish contact with anti-government ethnic-minority groups. The officials say that President Bush is determined to deny the Iranian regime the opportunity to begin a pilot program, planned for this spring, to enrich uranium.

American and European intelligence agencies, and the International Atomic Energy Agency (I.A.E.A.), agree that Iran is intent on developing the capability to produce nuclear weapons. But there are widely differing estimates of how long that will take, and whether diplomacy, sanctions, or military action is the best way to prevent it. Iran insists that its research is for peaceful use only, in keeping with the Nuclear Non-Proliferation Treaty, and that it will not be delayed or deterred.

There is a growing conviction among members of the United States military, and in the international community, that President Bush's ultimate goal in the nuclear confrontation with Iran is regime change. Iran's President, Mahmoud Ahmadinejad, has challenged the reality of the Holocaust and said that Israel must be ''wiped off the map.'' Bush and others in the White House view him as a potential Adolf Hitler, a former senior intelligence official said. ''That's the name they're using. They say, 'Will Iran get a strategic weapon and threaten another world war?' ''

A government consultant with close ties to the civilian leadership in the Pentagon said that Bush was ''absolutely convinced that Iran is going to get the bomb'' if it is not stopped. He said that the President believes that he must do ''what no Democrat or Republican, if elected in the future, would have 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 in Iran will humiliate the 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 research at the Washington Institute 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-weapons program, at least clandestinely,'' Clawson told the Senate Foreign Relations Committee on March 2nd. ''The key issue, therefore, is: How long will the present Iranian regime last?''

When I spoke to Clawson, he emphasized that ''this Administration is putting a lot of effort into diplomacy.'' However, he 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 ''sees the West as wimps and thinks we will eventually cave in. We have to be ready to deal with Iran if the crisis escalates:'' Clawson said that he would prefer to rely on sabotage and other clandestine activities, such as ''industrial accidents.'' But, he said, it would be prudent to prepare for a wider war, ''given the way the Iranians are acting. This is not like planning to invade Quebec.''

One military planner told me that White House criticisms of Iran and the high tempo of planning and clandestine activities amount to a campaign of ''coercion'' aimed at Iran. ''You have to be ready to go, and we'll see how they respond,'' the officer said. ''You have to really show a threat in order to get Ahmadinejad to back down.'' He added, ''People think Bush has been focused on Saddam Hussein since 9/11,'' but, ''in my view, if you had to name one nation that was his focus all the way along, it was Iran.'' (In response to detailed requests for comment, the White House said that it would not comment on military planning but added, ''As the President has indicated, we are pursuing a diplomatic solution''; the Defense Department also said that Iran was being dealt with through ''diplomatic channels'' but wouldn't elaborate on that; the C.I.A. said that there were ''inaccuracies'' in this account but would not specify them.)

''This is much more than a nuclear issue,'' one high-ranking diplomat told me in Vienna. ''That's just a rallying point, and there is still time to fix it. But the Administration believes it cannot be fixed unless they control the hearts and minds of Iran. The real issue is who is going to control the Middle East and its oil in the next ten years.''

A senior Pentagon adviser on the war on terror expressed a similar view. ''This White House believes that the only way to solve 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.'' A military conflict that destabilized the region could also increase the risk of terror: ''Hezbollah comes into play,'' the adviser said, referring to the terror group that is considered one of the world's most successful, and which is now a Lebanese political party with strong ties to Iran. ''And here comes Al Qaeda.''

In recent weeks, the President has quietly initiated a series of talks on plans for Iran with a few key senators and members of Congress, including at least one Democrat. A senior member of the House Appropriations Committee, who did not take part in the meetings but has discussed their content with his colleagues, told me that there had been ''no formal briefings,'' because ''they're reluctant to brief the minority. They're doing the Senate, somewhat selectively.''

The House member said that no one in the meetings ''is really objecting'' to the talk of war. ''The people they're briefing are the same ones who led the charge on Iraq. At most, questions are raised: How are you going to hit all the sites at once? How are you going to get deep enough?'' (Iran is building facilities underground.) ''There's no pressure from Congress'' not to take military action, the House member added. ''The only political pressure is from the guys who want to do it.'' Speaking of President Bush, the House member said, ''The most worrisome thing is that this guy has a messianic vision.''

Some operations, apparently aimed in part at intimidating Iran, are already under way. American Naval tactical aircraft, operating from carriers in the Arabian Sea, have been flying simulated nuclear-weapons delivery missions—rapid ascending maneuvers known as ''over the shoulder'' bombing—since last summer, the former official said, within range of Iranian coastal radars.

Last month, in a paper given at a conference on Middle East security in Berlin, Colonel Sam Gardiner, a military analyst who taught at the National War College before retiring from the Air Force, in 1987, provided an estimate of what would be needed to destroy Iran's nuclear program. Working from satellite photographs of the known facilities, Gardiner estimated that at least four hundred targets would have to be hit. He added:

I don't think a U.S. military planner would want to stop there. Iran probably has two chemical-production plants. We would hit those. We would want to hit the medium-range ballistic missiles that have just recently been moved closer to Iraq. There are fourteen airfields with sheltered aircraft. . . . We'd want to get rid of that threat. We would want to hit the assets that could be

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 penetrating weapons. The U.S. will have to use Special Operations units.

One of the military's initial option plans, as presented to the White House by the Pentagon this winter, calls for the use of a bunker-buster tactical nuclear weapon, such as the B61–11, against underground nuclear sites. One target is Iran's main centrifuge plant, at Natanz, nearly two hundred miles south of Tehran. Natanz, which is no longer under I.A.E.A. safeguards, reportedly has underground floor space to hold fifty thousand centrifuges, and laboratories and workspaces buried approximately seventy-five feet beneath the surface. That number of centrifuges could provide enough enriched uranium for about twenty nuclear warheads a year. (Iran has acknowledged that it initially kept the existence of its enrichment program hidden from I.A.E.A. inspectors, but claims that none of its current activity is barred by the Non-Proliferation Treaty.) The elimination of Natanz would be a major setback for Iran's nuclear ambitions, but the conventional weapons in the American arsenal could not insure the destruction of facilities under seventy-five feet of earth and rock, especially if they are reinforced with concrete.

There is a Cold War precedent for targeting deep underground bunkers with nuclear weapons. In the early nineteen-eighties, the American intelligence community watched as 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 to survive a nuclear war. (There are 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 remains 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 helped the Iranians design their underground facility. ''We see a similarity of design,'' specifically in the ventilator shafts, he said.

A former high-level Defense Department official told me that, in his view, even limited bombing would allow the U.S. to ''go in there and do enough damage to slow down the nuclear infrastructure—it's feasible.'' The former defense official said, ''The Iranians don't have friends, and we can tell them that, if necessary, we'll keep knocking back their infrastructure. The United States should act like we're ready to go.'' He added, ''We don't have to knock down all of their air defenses. Our stealth bombers and standoff missiles really work, and we can blow fixed things up. We can do things on the ground, too, but it's difficult and very dangerous—put bad stuff in ventilator shafts and put them to sleep.''

But those who are familiar with the Soviet bunker, according to the former senior intelligence official, ''say 'No way.' ''

You've got to know what's underneath—to know which ventilator feeds people, or diesel generators, or which are false. And there's a lot that we don't know.'' The lack of reliable intelligence leaves military planners, given the goal of totally destroying the sites, little choice but to consider the use of tactical nuclear weapons. ''Every other option, in the view of the nuclear weaponeers, would leave a gap,'' the former senior intelligence official said. '' 'Decisive' is the key word of the Air Force's planning. It's a tough decision. But we made it in Japan.''

He went on, ''Nuclear planners go through extensive training and learn the technical details of damage and fallout—we're talking about mushroom clouds, radiation, mass casualties, and contamination over years. This is not an underground nuclear test, where all you see is the earth raised a little bit. These politicians don't have a clue, and whenever anybody tries to get it out''—remove the nuclear option—''they're shouted down.''

The attention given to the nuclear option has created serious misgivings inside the offices of the Joint Chiefs of Staff, he added, and some officers have talked about resigning. Late this winter, the Joint Chiefs of Staff sought to remove the nuclear option from the evolving war plans for Iran—without success, the former intelligence official said. ''The White House said, 'Why are you challenging this? The option came from you.' ''

The Pentagon adviser on the war on terror confirmed that some in the Administration were looking seriously at this option, which he linked to a resurgence of interest in tactical nuclear weapons among Pentagon civilians and in policy circles. He called it ''a juggernaut that has to be stopped.'' He also confirmed that some senior officers and officials were considering resigning over the issue. ''There are very strong sentiments within the military against brandishing nuclear weapons against other countries,'' the adviser told me. ''This goes to high levels.'' The matter may soon reach a decisive point, he said, because the Joint Chiefs had agreed to give President Bush a formal recommendation stating that they are strongly opposed to considering the nuclear option for Iran. ''The internal debate on this has hardened in recent weeks,'' the adviser said. ''And, if senior Pentagon officers express their opposition to the use of offensive nuclear weapons, then it will never happen.''

The adviser added, however, that the idea of using tactical nuclear weapons in such situations has gained support from the Defense Science Board, an advisory panel whose members are selected by Secretary of Defense Donald Rumsfeld. ''They're telling the Pentagon that we can build the B61 with more blast and less radiation,'' he said.

The chairman 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, Schneider served 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 high priority targets is essential and beyond the promise of conventional weapons.'' Several signers of the report are now prominent members of the Bush Administration, including Stephen Hadley, 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 air strikes. ''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 think the day we attack Iran?''

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, because ''Iran is a much tougher target'' than Iraq. 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. Maybe hit some training camps, and clear up a lot of other problems.''

The Pentagon adviser said that, in the event of an 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 people who believe it's the way to operate''—that the Administration can achieve its policy goals in Iran with a bombing campaign, an idea that has been supported by neoconservatives.

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 civilians in the Pentagon, the units were also working with minority groups in Iran, including the Azeris, in the north, the Baluchis, in the southeast, and the Kurds, in the northeast. The troops ''are studying the terrain, and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds,'' the consultant said. One goal is to get ''eyes on the ground''—quoting a line from ''Othello,'' he 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 long-standing interest in expanding the role of the military in covert operations, which was made official policy 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 broadly classified as preparing the battlefield or protecting troops are military, not intelligence, operations, and are therefore not subject to congressional oversight. ''The guys in the Joint Chiefs of Staff say 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 everything 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 reportedly been connected to Imad Mughniyeh, a terrorist who 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, told me that Ahmadinejad and his Revolutionary Guard colleagues in the Iranian government ''are capable of making a bomb, hiding it, and launching it at Israel. They're apocalyptic Shiites. If you're sitting 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 Iranian bureaucracy; by the end of January, they had replaced thousands of civil servants with their own members. One former senior United Nations official, who has extensive experience with Iran, depicted the turnover as ''a white coup,'' with ominous implications for the West. ''Professionals in the Foreign Ministry are out; others are waiting to be kicked out,'' he said. ''We may be too late. These guys now believe that they are stronger than ever since the revolution.'' He said that, particularly in 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.''

Iran's supreme religious leader, Ayatollah Khamenei, 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. The Supreme Leader has the casting vote on the nuclear program, and the Guards will not take action without his approval.''

The Pentagon adviser on the war on terror said that ''allowing Iran to have the bomb is not on the table. We cannot have nukes being sent downstream to a terror network. It's just too dangerous.'' He added, ''The whole internal debate is on which way to go''—in terms of stopping the Iranian program. It is possible, the adviser said, that Iran will unilaterally renounce its nuclear plans—and forestall the American action. ''God may smile on us, but I don't think so. The bottom line is that Iran cannot become a nuclear-weapons state. The problem is that the Iranians realize that only by becoming a nuclear state can they defend themselves against the U.S. Something bad is going to happen.''

While almost no one disputes Iran's nuclear ambitions, there is intense debate over how soon it could get the bomb, and what to do about that. Robert Gallucci, a former government expert on nonproliferation who is now the dean of the School of Foreign Service at Georgetown, told me, ''Based on what I know, Iran could be eight to ten years away'' from developing a deliverable nuclear weapon. Gallucci added, ''If they had a covert nuclear program and we could prove it, and we could not stop it by negotiation, diplomacy, or the threat of sanctions, I'd be in favor of taking it out. But if you do it''—bomb Iran—''without being able to show there's a secret program, you're in trouble.''

Meir Dagan, the head of Mossad, Israel's intelligence agency, told the Knesset last December that ''Iran is one to two years away, at the latest, from having enriched uranium. From that point, the completion of their nuclear weapon is simply a technical matter.'' In a conversation with me, a senior Israeli intelligence official talked about what he said was Iran's duplicity: ''There are two parallel nuclear programs'' inside Iran—the program declared to the I.A.E.A. and a separate operation, run by the military and the Revolutionary Guards. Israeli officials have repeatedly made this argument, but Israel has not produced public evidence to support it. Richard Armitage, the Deputy Secretary of State in Bush's first term, told me, ''I think Iran has a secret nuclear-weapons program—I believe it, but I don't know it.''

In recent months, the Pakistani government has given the U.S. new access to A.Q. Khan, the so-called father of the Pakistani atomic bomb. Khan, who is now living under house arrest in Islamabad, is accused of setting up a black market in nuclear materials; he made at least one clandestine visit to Tehran in the late nineteen-eighties. In the most recent interrogations, Khan has provided information on Iran's weapons design and its time line for building a bomb. ''The picture is of 'unquestionable danger,' '' the former senior intelligence official said. (The Pentagon adviser also confirmed that Khan has been ''singing like a canary.'') The concern, the former senior official said, is that ''Khan has credibility problems. He is suggestible, and he's telling the neoconservatives what they want to hear''—or what might be useful to Pakistan's President, Pervez Musharraf, who is under pressure to assist Washington in the war on terror.

''I think Khan's leading us on,'' the former intelligence official said. ''I don't know anybody who says, 'Here's the smoking gun.' But lights are beginning to blink. He's feeding us information on the time line, and targeting information is coming in from our own sources—sensors and the covert teams. The C.I.A., which was so burned by Iraqi W.M.D., is going to the Pentagon and the Vice-President's office saying, 'It's all new stuff.' People in the Administration are saying, 'We've got enough.' ''

The Administration's case against Iran is compromised by its history of promoting false intelligence on Iraq's weapons of mass destruction. In a recent essay on the Foreign Policy Web site, entitled ''Fool Me Twice,'' Joseph Cirincione, the director for nonproliferation at the Carnegie Endowment for International Peace, wrote, ''The unfolding administration strategy appears to be an effort to repeat its successful campaign for the Iraq war.'' He noted several parallels:

The vice president of the United States gives a major speech focused on the threat from an oil-rich nation in the Middle East. The U.S. Secretary of State tells Congress that the same nation is our most serious global challenge. The Secretary of Defense calls that nation the leading supporter of global terrorism.

Cirincione called some of the Administration's claims about Iran ''questionable'' or lacking in evidence. When I spoke to him, he asked, ''What do we know? What is the threat? The question is: How urgent is all this?'' The answer, he said, ''is in the intelligence community and the I.A.E.A.'' (In August, the Washington Post reported that the most recent comprehensive National Intelligence Estimate predicted that Iran was a decade away from being a nuclear power.)

Last year, the Bush Administration briefed I.A.E.A. officials on what it said was new and alarming information about Iran's weapons program which had been retrieved from an Iranian's laptop. The new data included more than a thousand pages of technical drawings of weapons systems. The Washington Post reported that there were also designs for a small facility that could be used in the uranium-enrichment process. Leaks about the laptop became the focal point of stories in the Times and elsewhere. The stories were generally careful to note that the materials could have been fabricated, but also quoted senior American officials as saying that they appeared to be legitimate. The headline in the Times' account read, ''Relying on Computer, U.S. Seeks to Prove Iran's Nuclear Aims''.

I was told in interviews with American and European intelligence officials, however, that the laptop was more suspect and less revelatory than it had been depicted. The Iranian who owned the laptop had initially been recruited by German and American intelligence operatives, working together. The Americans eventually lost interest in him. The Germans kept on, but the Iranian was seized by the Iranian counter-intelligence force. It is not known where he is today. Some family members managed to leave Iran with his laptop and handed it over at a U.S. embassy, apparently in Europe. It was a classic ''walk-in.''

A European intelligence official said, ''There was some hesitation on our side'' about what the materials really proved, ''and we are still not convinced.'' The drawings were not meticulous, as newspaper accounts suggested, ''but had the character of sketches,'' the European official said. ''It was not a slam-dunk smoking gun.''

The threat of American military action has created dismay at the headquarters of the I.A.E.A., in Vienna. The agency's officials believe that Iran wants to be able to make a nuclear weapon, but ''nobody has presented an inch of evidence of a parallel nuclear-weapons program in Iran,'' the high-ranking diplomat told me. The I.A.E.A.'s best estimate is that the Iranians are five years away from building a nuclear bomb. ''But, if the United States does anything militarily, they will make the development of a bomb a matter of Iranian national pride,'' the diplomat said. ''The whole issue is America's risk assessment of Iran's future intentions, and they don't trust the regime. Iran is a menace to American policy.''

In Vienna, I was told of an exceedingly testy meeting earlier this year 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. Joseph'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 undermine us.''

Joseph's heavy-handedness was unnecessary, the diplomat said, since the I.A.E.A. already had been inclined 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 El Baradei's overriding concern is that the Iranian leaders ''want confrontation, just like the neocons on the other side''—in Washington. ''At the end of the day, it will work only if the United States agrees to talk to the Iranians.''

The central question—whether Iran will be able to proceed with its plans to enrich uranium—is now before the United Nations, with the Russians and the Chinese reluctant to impose sanctions on Tehran. A discouraged former I.A.E.A. official told me in late March that, at this point, ''there's nothing the Iranians could do that would result in a positive outcome. American diplomacy does not allow for it. Even if they announce a stoppage of enrichment, nobody will believe them. It's a dead end.''

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 dismissal of the I.A.E.A. He said, ''If you don't believe that the I.A.E.A. can establish an inspection system—if you don't trust them—you can only bomb.''

There is little sympathy for the I.A.E.A. in the Bush Administration or among its European allies. ''We're quite frustrated with the director-general,'' the European diplomat told me. ''His basic approach has been to describe 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 push ideas that pose a serious proliferation risk.''

The Europeans are rattled, however, by their growing perception that President Bush and Vice-President Dick Cheney believe a bombing campaign will be needed, and that their real goal is regime change. ''Everyone is on the same page about the Iranian bomb, but the United States wants regime change,'' a European diplomatic adviser told me. He added, ''The Europeans have a role to play as long as they don't have to choose between going along with the Russians and the Chinese or going along with Washington on something they don't want. Their policy is to keep the Americans engaged in something the Europeans can live with. 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 it.'' 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's going to be very difficult to line up 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 diplomat 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 in quantity. One reason for pursuing diplomacy was, he said, Iran's essential pragmatism. ''The regime acts 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 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 if there is unity in opposition and the price imposed''—in sanctions—''is sufficient, they may back down. It's too early to give up on the U.N. route.'' He added, ''If the diplomatic process doesn't work, there is no military 'solution.' There may be a military option, but the impact could be catastrophic.''

Tony Blair, the British Prime Minister, was George Bush's most dependable ally in the year leading up to the 2003 invasion of Iraq. But he and his party have been racked by a series of financial scandals, and his popularity is at a low point. Jack Straw, the Foreign Secretary, said last year that military action against Iran was ''inconceivable.'' Blair has been more circumspect, saying publicly that one should never take options off the table.

Other European officials expressed similar skepticism about the value of an American bombing campaign. ''The Iranian economy is in bad shape, and Ahmadinejad is in bad shape politically,'' the European intelligence official told me. ''He will benefit politically from American bombing. You can do it, but the results will be worse.'' An American attack, he said, would alienate ordinary Iranians, including those who might be sympathetic to the U.S. ''Iran is no longer living in the Stone Age, and the young people there have access to U.S. movies and books, and they love it,'' he said. ''If there was a charm offensive with Iran, the mullahs would be in trouble in the long run.''

Another European official told me that he was aware that many in Washington wanted action. ''It's always the same guys,'' 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. I was told by several officials that the White House's interest in preventing an Israeli attack on a Muslim country, which would provoke a backlash across the region, was a factor in its decision to begin the current operational planning. In a speech in Cleveland on March 20th, President Bush depicted Ahmadinejad's hostility toward Israel as 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 other Islamic countries? What ability does Iran have to reach us and touch us globally—that is, terrorism? Will Syria and Lebanon up the pressure on Israel? What does the attack do to our already diminished international standing? And what does this mean for Russia, China, and the U.N. Security Council?''

Iran, which now produces nearly four million barrels of oil a day, would not have to cut off production to disrupt the world's oil markets. It could blockade or mine the Strait of Hormuz, the 34-mile-wide passage through which Middle Eastern oil reaches the Indian Ocean. Nonetheless, the recently 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 also said he believed that the oil problem could be managed, pointing out that the U.S. has enough in its strategic reserves to keep America running for sixty days. However, those in the oil business I spoke to were less optimistic; one industry expert estimated that the price per barrel would immediately spike, to anywhere from ninety to a hundred dollars per barrel, and could go higher, depending on the duration and scope of the conflict.

Michel Samaha, a veteran Lebanese Christian politician and former cabinet minister in Beirut, told me that the Iranian retaliation might be focused on exposed oil and gas fields in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. ''They would be at risk,'' he said, ''and this could begin the real jihad of Iran versus the West. You will have a messy world.''

Iran could also initiate a wave of terror attacks in Iraq and elsewhere, with the help of Hezbollah. On April 2nd, the Washington Post reported that the planning to counter such attacks ''is consuming a lot of time'' at U.S. intelligence agencies. ''The best terror network in the world has remained neutral in the terror war for the past several years,'' the Pentagon adviser on the war on terror said of Hezbollah. ''This will mobilize them and put us up against the group that drove Israel out of southern Lebanon. If we move against Iran, Hezbollah will not sit on the sidelines. Unless the Israelis take them out, they will mobilize against us.'' (When I asked the government consultant about that possibility, he said that, if Hezbollah fired rockets into northern Israel, ''Israel and the new Lebanese government will finish them off.'')

The adviser went on, ''If we go, the southern half of Iraq will light up like a candle.'' The American, British, and other coalition forces in Iraq would be at greater risk of attack from Iranian troops or from Shiite militias operating on instructions from Iran. (Iran, which is predominantly Shiite, has close ties to the leading Shiite parties in Iraq.) A retired four-star general told me that, despite the eight thousand British troops in the region, ''the Iranians could take Basra with ten mullahs and one sound truck.''

''If you attack,'' the high-ranking diplomat told me in Vienna, ''Ahmadinejad will be the new Saddam Hussein of the Arab world, but with more credibility and more power. You must bite the bullet and sit down with the Iranians.''

The diplomat went on, ''There are people in Washington who would be unhappy if we found a solution. They are still banking on isolation and regime change. This is wishful thinking.'' He added, ''The window of opportunity is now.''

INTERNATIONAL ATOMIC ENERGY AGENCY,
September 12, 2006.

Hon. PETER HOEKSTRA,
Chairman, House of Representatives, Permanent Select Committee on Intelligence, Washington, DC.

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 164-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 (see 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 the implementation of the safeguards in Iran, are posted on the IAEA's website at http://www.iaea.org/NewsCenter/Focus/IaeaIran.

The first bullet on page 10 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 becasue 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 INFCIRC/214). (Regarding the production of Po–210, please refer to the report provided to the Board of Governors by the Director General in November 2004 (GOV/2004/83, paragraph 80)).

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 of the IAEA decided to ''remove'' Mr. Charlier, a senior safeguards inspector of the IAEA, ''for allegedly raising concerns about Iranian deception regarding its nuclear program and concluding that the purpose of Iran's nuclear programme is to construct weapons''. In addition, the report contains an outrageous and dishonest suggestion that such removal might have been for ''not having adhered to an unstated IAEA policy barring IAEA officials from telling the whole truth about the Iranian nuclear program''.

In this regard, please be advised 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 secure acceptance by the State of the designation of IAEA safeguards inspectors, before such inspectors may be sent to the State on inspection (INFCIRC/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 designation of an inspector, at any time, for that State (http://www.iaea.org/Publications/Docments/Infeircs). Accordingly, Iran's request to the Director General to withdraw the designation of Mr. Charlier authorizing him to carry out safeguards inspections in Iran, was based on paragraph (a)(i) of Article 9 and paragraph (d) of Article 85 of Iran's Safeguards Agreement. I should also like to note here that Iran has accepted the designation of more than 200 Agency safeguards inspectors, which number is similar to that accepted by the majority of non-nuclear weapon States that have concluded safeguards agreements pursuant to the NPT.

Finally, it is also regrettable that the Staff Report did not take into account the views of the United Nations Security Council, as expressed in resolution 1696 (2006), which inter alia, ''commends and encourages the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the Agency.''

While it is unfortunate that the authors of the Staff Report did not concult with the IAEA Secretariat stands ready to assist your Committee in correcting the erroneous and misleading information contained in the report.

Yours sincerely,

VILMOS CSERVENY,
Director, Office of External Relations and Policy Coordination.

[From washingtonpost.com, Sept. 14, 2006]

U.N. INSPECTORS DISPUTE IRAN REPORT BY HOUSE PANEL

(By Dafna 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 on Iran's capabilities, calling parts of the document ''outrageous and dishonest'' and offering evidence to refute its central claims.

Officials of the United Nations' International Atomic Energy Agency said in a letter that the report contained some ''erroneous, misleading and unsubstantiated statements.'' The letter, signed by a senior director at the agency, was addressed to Rep. Peter Hoekstra (R-Mich.), chairman of the House intelligence committee, which issued the report. A copy was hand-delivered to Gregory L. Schulte, the U.S. ambassador to the IAEA in Vienna.

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 revealed that the White House had based some allegations about an Iraqi nuclear program on forged documents.

After no such weapons were found in Iraq, the IAEA came under additional criticism for taking a cautious approach on Iran, which the White House says is trying to building nuclear weapons in secret. At one point, the administration orchestrated a campaign to remove the IAEA's director general, Mohamed El Baradei. It failed, and he won the Nobel Peace Prize last year.

Yesterday's letter, a copy of which was provided to The Washington Post, was the first time the IAEA has publicly disputed U.S. allegations about its Iran investigation. The agency noted five major errors in the committee's 29-page report, which said Iran's nuclear capabilities are more advanced than either the IAEA or U.S. intelligence has shown.

Among the committee's assertions is that Iran is producing weapons-grade uranium at its facility in the town of Natanz. The IAEA called that ''incorrect,'' noting that weapons-grade uranium is enriched to a level of 90 percent or more. Iran has enriched uranium to 3.5 percent under IAEA monitoring.

When the congressional report was released last month, Hoekstra said his intent was ''to help increase the American public's understanding of Iran as a threat.'' Spokesman Jamal Ware said yesterday that Hoekstra will respond to the IAEA letter.

Rep. Rush D. Holt (D–N.J.), a committee member, said the report was ''clearly not prepared in a manner that we can rely on.'' He agreed to send it to the full committee for review, but the Republicans decided to make it public before then, he said in an interview.

The report was never voted on or discussed by the full committee. Rep. Jane Harman (Calif.), the vice chairman, told Democratic colleagues in a private e-mail that the report ''took a number of analytical shortcuts that present the Iran threat as more dire—and the Intelligence Community's assessments as more certain—than they are.''

Privately, several intelligence officials said the committee report included at least a dozen claims that were either demonstrably wrong or impossible to substantiate. Hoekstra's office said the report was reviewed by the office of John D. Negroponte, the director of national intelligence.

Negroponte's spokesman, John Callahan, said in a statement that his office ''reviewed the report and provided its response to the committee on July 24, '06.'' He did not say whether it had approved or challenged any of the claims about Iran's capabilities.

''This is like prewar Iraq all over again,'' said David Albright, a former nuclear inspector who is president of the Washington-based Institute for Science and International Security. ''You have an Iranian nuclear threat that is spun up, using bad information that's cherry-picked and a report that trashes the inspectors.''

The committee report, written by a single Republican staffer with a hard-line position on Iran, chastised the CIA and other agencies for not providing evidence to back assertions that Iran is building nuclear weapons.

It concluded that the lack of intelligence made it impossible to support talks with Tehran. Democrats on the committee saw it as an attempt from within conservative Republican circles to undermine Secretary of State Condoleezza Rice, who has agreed to talk with the Iranians under certain conditions.

The report's author, Fredrick Fleitz, is a onetime CIA officer and special assistant to John R. Bolton, the administration's former point man on Iran at the State Department. Bolton, who is now ambassador to the United Nations, had been highly influential during President Bush's first term in drawing up a tough policy that rejected-talks with Tehran.

Among the allegations in Fleitz's Iran report is that ElBaradei removed a senior inspector from the Iran investigation because he raised ''concerns about Iranian deception regarding its nuclear program.'' The agency said the inspector has not been removed.

A suggestion that ElBaradei had an ''unstated'' policy that prevented inspectors from telling the truth about Iran's program was particularly ''outrageous and dishonest,'' according to the IAEA letter, which was signed by Vilmos Cserveny, the IAEA's director for external affairs and a former Hungarian ambassador.

Hoekstra's committee is working on a separate report about North Korea that is also being written principally by Fleitz. A draft of the report, provided to The Post, includes several assertions about North Korea's weapons program that the intelligence officials said they cannot substantiate, including one that Pyongyang is already enriching uranium.

The intelligence community believes North Korea is trying to acquire an enrichment capability but has no proof that an enrichment facility has been built, the officials said.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 2006.

Hon. CHRISTOPHER SHAYS,
Chairman, Subcommittee on National Security, Emerging Threats and International Relations, Washington, DC.

DEAR MR. CHAIRMAN: According to the Washington Post (''U.N. Inspectors Dispute Iran Report by House Panel,'' September 14, 2006), the Director of National Intelligence (DNI) conducted a prepublication review of a House Intelligence Committee staff report on Iran which has come under scrutiny for making false, misleading and unsubstantiated assertions about Iran's nuclear program.

In the article, a spokesperson for the DNI confirmed that the agency did review the report prior to its publication. Yet, the final committee staff report ''included at least a dozen claims that were either demonstrably wrong or impossible to substantiate,'' including the gross exaggeration that the level of uranium enrichment by Iranian nuclear plants has now reached ''weapons-grade'' levels of 90 percent when in reality the correct enrichment level found by the International Atomic Energy Agency was 3.6 percent. (Letter from IAEA Director of External Relations and Policy Coordination Vilmos Cserveny to Chairman Peter Hoekstra, September 12, 2006.)

The publication of false, misleading and unsubstantiated statements by a House Committee is regrettable, but the role of the DNI raises important questions:

(1) Was the text of the report given to DNI for review identical to the text later released to the public by the Committee?

(2) Did the DNI recognize those claims made in the report that were wrong or impossible to substantiate at the time DNI conducted its prepublication review?

(3) During its review, did DNI also note the same false, misleading and unsubstantiated statements as those deemed by the IAEA in its letter to the Committee to be wrong or impossible to substantiate?

(4) In its response to the Committee, did DNI state the inaccuracies it found, and seek correction or clarification of those parts of the prepublication report?

(5) Did the DNI approve the report, in spite of false and exaggerated claims made in the report?

There are troubling signs, which this Subcommittee has attempted to investigate, that the Administration is leading the U.S. toward a military conflict with Iran.

In June, our Subcommittee held a classified members briefing, at my request, to investigate independent reports published in the New Yorker magazine and the Guardian that U.S. military personnel have been or are already deployed inside and around Iran, gathering intelligence and targeting information, and reports published in Newsweek, ABC News and GQ magazine, that the U.S. has been planning and is now recruiting members of MEK to conduct lethal operations and destabilizing operations inside Iran.

Unfortunately, neither the Department of State nor the Department of Defense chose to appear for the classified briefing. Nearly three months later, the Subcommittee has been unable to question State or DOD directly on those reports. However, this Subcommittee was briefed by the Office of the Director of National Intelligence, and I believe that the Subcommittee should use its oversight authority to compare the statements and information provided to Members about Iran's nuclear program at the briefing, with information provided to the House Intelligence Committee for their report.

These are precisely the sort of questions this Subcommittee is designed to pursue. The latest report implicating DNI passivity or complicity in embellishing the danger of the Iranian nuclear program should be aggressively investigated by our Subcommittee immediately. We cannot and must not permit this Administration to build a case for war against Iran on falsehoods and pretext. We have seen similar patterns with the twisting of intelligence to create a war against Iraq and we must not let this happen again. I ask that the Subcommittee invite the DNI to appear immediately before the Committee. It is imperative that our questions be answered in an expeditious manner.

Sincerely,

DENNIS J. KUCINICH,
Ranking Minority Member.

CONGRATULATING SPELMAN COLLEGE ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. RANGEL. Mr. Speaker, I rise before you today to join with my colleagues in congratulating Spelman College on the occasion of its 125th anniversary.

One of our country's most distinguished colleges, this historically Black college for women founded in 1881 by Harriet E. Giles and Sophia B. Packard in Atlanta, Georgia, was ranked this year by U.S. News & World Report as being among the top 75 Best Liberal Arts Colleges.

Since its inception, Spelman College has provided women with access to education since the post-Civil War era, promoting academic excellence in the liberal arts and developing the intellectual, ethical, and leadership potential of its students. As a member of the Atlanta University Center (AUC) consortium, Spelman students enjoy the benefits of a small college while having access to the faculty and physical resources of five other historically black institutions.

Spelman College has grown from its roots as the Atlanta Baptist Female Seminary, to become one of the Nation's most prominent institutions of higher learning promoting both academic excellence and leadership development.

Spelman's steadfast commitment to preparing black women for service and leadership is clearly evident in the more than six generations of Spelman women who have reached the highest levels of academic, community, and professional achievement.

Spelman's most notable alumnae include Marian Wright Edelman, founder and president of the Children's Defense Fund; Ruth A. Davis, director general of the U.S. Foreign Service; Aurelia Brazeal, U.S. ambassador to Ethiopia; and Alice Walker, Pulitzer Prize winning novelist.

Spelman can well be proud of its achievements and exemplary service not only to its students, but to the City of Atlanta. May this outstanding college enjoy many more years of continued success.

TRIBUTE TO SISTER KATHRYN SCHLUETER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize an exceptional constituent and community leader, Sister Kathryn Schlueter, CSJ, of Southampton, New York, who has dedicated herself to Catholic education on Long Island for nearly 40 years.

Sister Kathy, as she is affectionately known, joined the Sisters of Saint Joseph in 1963. After graduation from Brentwood College with a Bachelor of Science in Education in 1967, she began her teaching career at the Saint Patrick School located in Smithtown, Long Island. Sister Kathy subsequently received her Masters in Educational Administration from Hofstra University in 1977 while continuing her teaching career at the Sacred Heart Academy in Hempstead, Long Island.

In 1987, Sister Kathy arrived on the east end of Long Island as Principal of Our Lady of the Hamptons Regional Catholic School in Southampton where she has worked faithfully to improve the quality of that institution for the past 20 years.

Under Sister Kathy's diligent stewardship, Our Lady of the Hamptons Regional Catholic School has been designated as a Blue Ribbon School of Excellence by the U.S. Department of Education and has received further accreditation by the Middle States Association of Colleges and Schools. As Our Lady of the Hamptons prepares to celebrate its twenty-fifth anniversary as a Regional Catholic School, Sister Kathy should be recognized as the driving force behind its success.

Mr. Speaker, on behalf of New York's First Congressional District, I express our sincere appreciation to Sister Kathy for her extraordinary commitment to excellence in education. We wish her continued success and happiness in the years to come.

CONGRATULATING SPECTROLAB ON ITS 50TH ANNIVERSARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. BERMAN. 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. We are 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 111C, 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 searchlights.

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 terror 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, and many are apprehended. I commend our border patrol for their fine work under difficult conditions. However, millions have crossed the border successfully in the past five years, and we do not know how many are terrorists.

Our borders are another battlefront 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 the 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. As 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 to Capitol Hill. We currently have Jacob Choi, a graduate of Brigham Young University, who will attend Harvard's Kennedy School of Government in the Fall, serving Rep. ELIOT ENGEL's office; Christopher Hartfield, a graduate of Stanford University, who will attend Tuft's 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 Marti a graduate 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; Chansonett Hall, a graduate of Penn State University, who will attend the University of Pittsburgh's School of Public and 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. ENI F.H. 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 also 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 that 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 comer of the globe.

RECOGNIZING CHRISTOPHER RAY DEAN 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 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 in 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 reflects both your 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

SPEECH OF

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 still not 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. Do not let H. Res. 622 be a simple substitute for the also bipartisan H.R. 4574 that will restore the honor and dignity these Filipino veterans rightfully deserve.

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. Before 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 2001, 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, Marcia, and Michele.

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 advanced proposals 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 Liberia based 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 Africa 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 of Man", that is 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 held that dignity and self-esteem were the most powerful and only weapons against racism and white supremacy. Garvey stated, "the man or woman who has no confidence in self is an unfortunate being, and is really a misfit in creation. God Almighty created earth and every one of us for a place in the world, and for the least of us to think that we were created only to be what we are and not what we can make ourselves is to ipute an improper motive to the Creator for creating us." Garvey wanted every Black throughout the Diaspora to commit to self-awareness, confidence, conviction and actio. 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 fallowing, 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 Garvy 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 Lenton, Nottingham, 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 all 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 and private landowners to bring significant tracts of land under permanent protection. Highlights of POST's work include securing the preservation of the 7,357-acre Cloverdale Coastal Ranches, the 3,681-acre Driscol Ranch, the 1,623-acre Bair Island 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 boundaries 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 fifth 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 as well as remember the bravery and sacrifice of the fire fighters, 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. GENE 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 this 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 1990s, 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, if Dr. von Eschenbach thinks we can achieve this goal, I am confident that our hope for a cure is within reach.

I thank my colleague, Mr. SHAW, for introducing this important resolution and encourage my colleagues to join me in support of it.

RECOGNIZING DANIEL CUMMINGS FOR ACHIEVING THE RANK OF EAGLE SCOUT

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

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

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 and ahead of 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-platinum 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 Libaridian, historian and former director of the Zoryan Institute, who is a personal advisor to President Levon Ter Petrosian; 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 KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to recognize the Manresa Jesuit Retreat House as it celebrates its 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 establishment 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 ''Deepdale Estate'' on the corner of Woodward and Quarton 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 capacity of retreat guests from 23 to its current capacity of 78.

The Manresa Jesuit Retreat House has provided a foundation upon which thousands of metro Detroiters 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, unfaltering 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.

CONGRESSMAN CHARLIE MELANCON WELCOMES TO THE UNITED STATES PRESIDENT NURSULTAN NAZARBAYEV OF THE REPUBLIC OF KAZAKHSTAN

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 therefore 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 building 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.

All indicators showed that Kazakhstan, with its enormous territory, vast natural resources and multinational and multiethnic population, 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 world confidence in his government. His commitment to harmonize Kazakhstan's political and business climate with Western standards has allowed Kazakhstan to assume a leadership role among the former Soviet states of Central Asia. And Kazakhstan has risen up as a model in disarmament and nonproliferation and should be applauded by all nations of the world.

In November of last year I visited Kazakhstan. The warm and hospitable Kazakh people reminded me of the people from 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 reelection. I also met with the elected leaders of the legislative and executive branches of government and of several opposition parties. I am glad to report that democracy in Kazakhstan is growing.

If you have never seen Kazakhstan's capitol city, Astana, you must. The brand new city rises up out of the Steppes, with cranes and skyscrapers studding the horizon. Astana is a truly awesome testament to the will 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, Maryland, New York, Iowa, and Texas 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 Rabbinical 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 aplauds the divestment efforts of the state and local government, colleges, and universities.

Mr. Speaker, my bill would also require the Securities and Exchange Commission's (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.

The Darfur Accountability and Divestment Act of 2006 would require:

(1) The Securities and Exchange Commission's (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.

(c) 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.).

(3) Recognition and 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.

(c) Provides preemption protection for states and universities who have sponsored their own divestment campaigns.

(4) Within 180 days, the Government Accountability Office (GAO) to investigate the existence and extent of all Federal Retirement Thrift Investment Board investments with national, regional and local governments involved in genocide; or business activities with any warring parties perpetrating genocide; or related to debt-obligations issued by the government of 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 dies of a heart attack leaving his mother on her own to care for the family. Despite the challenges, Matthew's mother is determined that 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 of Macon, Georgia and Matthew and his mother somehow get tickets to hear the master from the segregated balcony. Matthew says 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 film that is a tribute and testimony to his accomplishments and talent. The film is 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

Wednesay, September 13, 2006

Ms. LUCILLE 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 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 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-lickin' good," one protestor 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 protestor from my home State of Kansas sued city and state officials and was awarded a total of $217,000 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 a bill with Congressman JIM MATHESON awarding the Congressional Gold Medal to Margaret Thatcher.

The Congressional Gold Medal is the Nation's highest and most distinguished civilian award. First presented to General George Washington in 1776, the Congressional Gold Medal is awarded to individuals who perform outstanding acts of service to the security, prosperity, and national interest of the United States. Margaret Thatcher's distinguished service to the West included helping to win the cold war and reviving the economies of Europe. During her tenure as prime minister, America had no better ally.

Margaret Thatcher was the first female head of state of a Western nation, and the longest serving British prime minister in the 20th century. Soviet leaders called her the "Iron Lady." And so she was in the West's final chapter against the Soviet empire. The end of the cold war was due in no small part to her close partnership with the United States with the shared goal of defeating Eastern European communism.

Margaret Thatcher was a woman of principle and a strong leader. She resurrected a stagnant British political landscape and forever strengthened the Anglo-American relationship. For her unwavering friendship to the United States, I can think of no greater honor than bestowing on her the prestigious Congressional Gold Medal.

I want to thank my good friend Congressman JIM MATHESON for being the lead cosponsor of this legislation. I look forward to working with him and my other colleagues on this important initiative.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS WEEK

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2006

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of H. Res. 982 which offers this Chamber's support for National Peripheral Arterial Disease Awareness week.

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.

RECOGNIZING CHARLES M. WINFREY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles M. Winfrey 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 82, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles 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 Charles M. Winfrey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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 during Prohibition.

On November 14, 1960, four deputy U.S. marshals accompanied 6-year old Ruby Bridges to elementary school after a Federal judge ordered the desegregation of the New Orleans public school system. In 1962, when James Meredith sought to legally become the first black person to attend the University of Mississippi, the duty of upholding the Federal law allowing him to do so fell upon the shoulders of 127 deputy marshals from all over the country. They acted with the highest degree of professionalism and honor during this turbulent season in civil rights history.

Their accomplishments in recent decades are too numerous to cite, but extraordinary in their commitment to law and order. The U.S. Marshals provided security to 18 airports in the hours and days following the attacks on 9/11, played an instrumental role in the "D.C. sniper" investigation, were deployed to the gulf coast after Hurricane Katrina, and provided security for the trials of Oklahoma bombing suspect Timothy McVeigh and Al-Qaeda conspirator Zacarias Moussaoui.

Over the past 217 years, the Marshals Service has grown and evolved into a modern law enforcement agency, still charged with protecting the Federal judiciary, but also apprehending dangerous fugitives, conducting protective operations, ensuring the security of witnesses and their dependents, providing for the custody and transportation of Federal prisoners, managing the Federal Government's seized asset program, and conducting special operations as required by the Attorney General. No other law enforcement agency has as many diverse missions as the U.S. Marshals Service. Among their most innovative efforts is their newly created Fugitive Safe Surrender Initiative, a unique fugitive apprehension program 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.

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 commemorate the 15th anniversary of the Republic 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 seven 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 1967, 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.J. 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

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.

This same jack was ordered flown on the jackstaff of every US Navy warship on 9/12/2001. This jack had not be flown by an American warship at war in over two hundred years.

At sea a flag or jack always signifies something. This jack, the jack of Commodore Barry and the Continental Navy, signifies that the US Navy is today functioning at its grimmest, most deadly earnest level of national survival.

Barry and the men who fought alongside him, were heroes 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 ''in harm's way'' to use a phrase made famous by another Continental Navy captain, John Paul Jones.

This flag symbolizes John Barry and the Continental Navy's proud and courageous legacy.

BARRY: THE FIRST CRUCIBLE

John Barry, the father of the United States Navy, was fired 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 southeasternmost part of Ireland. Wexford had a strong maritime tradition, but Barry's father was a poor tenant farmer who was eventually evicted from his farm by his British landlord. The family was forced to relocate to the village of Rosslare. 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 governmental administration. Today there are people who parrot that thought that ''there is nothing worse than war.'' John Barry knew there was at least one thing worse than 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 accomplishes anything.'' John Barry would have known that to be a wrongheaded conclusion.

Personally, as a descendant of highlanders and seafarers forced to leave the Isle of Raasey of the Inner Hebrides, on the western coast of Scotland, during the Highland Clearances, 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

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 lead dozens of men at a time, 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 warship was the first most complex convergence of technology, because it carried 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 Scotsman, named Jones, John Paul Jones.

John Barry was then given command of *Lexington*, 14 guns, in December of 1775. *Lexington* sailed in March of 1776. That April, off the Capes of Virginia, John 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. He captured several private armed British ships not long after.

His next command was *Effingham*, which was only partially completed and used her to patrol the Delaware Bay and Capes. A British agent offered Barry 20,000 pounds sterling to change sides and bring *Effingham* with him. In the 18th Century, 20,000 pounds was a fortune. Barry would not turn his coat.

In October of 1776. the Continental Congress assigned the rankings of officers of the Continental Navy, ranking John Barry No. 7 among Continental Navy captains.

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 landing party duty. He and his company took part in the Trenton campaign. He organized the boatmen and assisted George Washington in his famous crossing of the Delaware. Barry subsequently assisted in the defense of Philadelphia and operations in the upper Delaware.

When the British took possession of Philadelphia in September 1777, Captain Barry was ordered to take his uncompleted frigate *Effingham* up the Delaware River to a place of safety. In October, the ship was ordered sunk or burned. Barry scuttled her in November, near Bordentown, New Jersey, to deny her use to the British.

In March of 1778, Captain Barry captured the British schooner *Alert* of 20 guns, and two ships loaded with supplies for the British Army using a fleet of small boats.

Taking command of *Raleigh*, 32 guns, he sailed from Boston in September 1778, and two days later was chased and attacked by three of Royal Navy vessels. After a nine hour running battle, he ran *Raleigh* ashore on an island near the mouth of Penobscot Bay in what is now known as Maine, but was foiled by a turncoat crewman and unable to completely destroy *Raleigh*. He escaped to the mainland with most of his crew. He then assumed command of the privateer *Delaware*, 10 guns.

In November of 1780, Barry was ordered to command *Alliance*, 32 guns, and took John Laurens, Special Commissioner, to France. *Alliance* would be his most famous command. To and from France, he captured the British Privateers *Alert*, 12 guns; *Mars*, 26 guns; and *Minerva*, 10 guns.

In May of 1781, Barry engaged the British sloops-of-war, *Atlanta*, 20 guns, and *Trepassy*, 14 guns. This was to be Barry's most famous engagement. Barry conducted a relentless defense from the quarterdeck until a projectile of langridge (broken nails and metal fragments) or canister (small spherical projectiles) struck him in the left shoulder. He remained on deck bleeding from many wounds until losing consciousness. He was carried below 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 being dressed.

I asked you to bear with me. 18th Century dialogue sound wooden and strangely formal to the 21st Century.

Barry's second in command stated, ''I have to report the ship in frightful condition, Sir. The rigging is much cut, damage everywhere great, many men killed and wounded, and we labor under great disadvantage for want of wind. Have I permission to strike our colors?''

Barry replied angrily.

''No Sir, the thunder! If this ship cannot be fought without me, I will be brought on deck; to your duty, Sir.'' A new flag was raised using the mizzenbrail for a halyard, and the fight continued. Just as they reached the deck, a gust of wind filled *Alliance*'s sails. Replying to her helm, 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 of the Revolutionary War against the British man-of-war *Sybylle*, 28 guns. Though the ship surrendered to him he was obliged to abandon it to escape from the rest of the squadron of which *Sybylle* was a part. At the time, Barry was convoying *Duc de Lauzane*, carrying money and supplies from the West Indies to the Colonies. His defense enabled *Duc de Lauzane* to escape and reach the Colonies.

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 positional title of ''commodore'' in any group of US Navy ships. The US Navy would have 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*, 44 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. By the direction of the Navy Department he brought *United States* to Washington, where she was laid up. This ended Barry's active service.

He was employed in testing cannon for the Government 1801–1802, and was selected to command the Mediterranean Squadron, but was too ill to take the duty. He died at his country residence near Philadelphia.

Commodore Barry was indeed the Father of the United States Navy, he was there at the beginning and he stayed the course through two wars. He set the example and what an example it was. He was courageous, tenacious, and versatile.

FULL CIRCLE

Let's take one last look at this First Navy Jack. We have come full circle.

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 seen 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 to 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 received several commendations 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 Honorable 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 determine next steps on the 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.

International attention to the Darfur conflict largely began with reports by the advocacy organizations, Amnesty International, in July 2003, and the International Crisis Group in December 2003.

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—an alliance of more than 100 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 of 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 the gulag because he flew the Cuban flag upside down to protest the subhuman treatment of the Cuban people at the hands of the Castro tyranny. When he was "released" in October of 2002, he was out of prison only a few weeks when he was rounded up again and sentenced this time for "association with enemies of the State," and he was sentenced, along with over 75 other peaceful pro-democracy leaders and independent journalists, to 25 years in the Cuban gulag.

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 dimension of his punishment, a serial killer was placed along with him in "the tomb."

Dr. Oscar Elias Biscet recently spoke by telephone with Mr. Amado Gil, a journalist in Miami, FL. The Coalition of Cuban-American Women transcribed, edited and translated this interview from Spanish to English.

PRISON CONDITIONS

The government of Cuba has tortured me during eight years; they have done so trying to drive me insane, though, 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, no water . . . 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 instigates these 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 but, thank God, I have been able to keep up my stance and will continue doing so with God's help . . .

SYMBOLIC FAST AS OF JULY 13, 2006

I began this fast (in prison) because I believe we should pray to God and demand our rights before the government, the right to be free which belongs to every person just for

being a citizen. Our country has lived so long without any rights, under a dictatorship . . . I believe that we must demand rights that belong to us and, in everyone's interest, these liberties must be observed . . . In order to live a full life, it is essential to live in freedom and the Cuban people are denied these rights . . . that is why I'm initiating a fast along with other brothers (in prison) to demand that the government sign the international covenants of civil, political, economic, cultural and social rights—the Cuban regime must sign them and abide by them so that the Cuban people may live in freedom at last. . . .

MESSAGE TO THE CUBAN PEOPLE

The Cuban people must do their utmost in their struggle to win their freedom and succeed in obtaining the international support of all free and democratic countries. I trust that the Cuban people will prove their dignity as they have done so on other occasions, so that we may enjoy FREEDOM. . . .

My colleagues, despite the hell that has been described, Dr. Biscet is unrelenting in his resolve for freedom for the people of Cuba. Dr. Biscet is a great patriot, a man of peace, and an apostle of freedom for Cuba. Dr. Biscet is a hero in the tradition of the great figures of Cuba's long struggle for liberty. Quintin Banderas, Carlos Manuel de Cespedes, Ignacio Agramonte, Antonio Maceo, and thousands of other Cuban heroes established a tradition of heroism that today is being continued by countless men and women who have given their best years and often their lives for the freedom of Cuba. Dr. Oscar Elias Biscet is a hero in that same admirable tradition.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence and acquiescence, Dr. Biscet languishes in the gulag because of his belief in freedom, democracy, human rights and the rule of law. We cannot permit the brutal treatment by a demented and murderous tyrant of a man of peace like Dr. Biscet for simply supporting freedom for his people. My colleagues, we must demand the immediate and unconditional release of Oscar Elias Biscet and every political prisoner in totalitarian Cuba.

COMMEMORATING THE 15TH ANNIVERSARY OF THE REPUBLIC OF ARMENIA'S INDEPENDENCE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. MARKEY. Mr. Speaker, I rise today to recognize and celebrate the 15th anniversary of the independence of the Republic of Armenia. Today, we congratulate and pay tribute to the citizens of Armenia, as well as people of Armenian descent in the United States and around the globe on this important anniversary of their independence from the former Soviet Union.

Since its independence in 1991, the Republic of Armenia has been a trusted and valuable friend of the United States in the strategically important South Caucuses region. During that time, the United States and Armenia have developed a strong relationship based on shared democratic values.

Throughout their history, the Armenian people have persevered over unspeakable tragedy and hardship. Despite oppression, occupation and the genocide committed against the Armenian people, the unique Armenian culture, heritage and values have flourished.

However, Armenia still faces significant obstacles. It is surrounded by hostile neighbors who have erected blockades to prevent the flow of key resources into Armenia, hindering its ability to develop economically. Despite these difficulties, Armenia's economy has continued to grow at an impressive pace. The United States must continue to provide economic and military assistance and do everything in its power to end these blockades so that Armenia's economy can continue to grow and its young democracy can thrive.

I join my colleagues in the House of Representatives today in commemorating Armenia's independence. I look forward to the bonds of friendship between the United States and Armenia becoming even stronger in the coming years and I wish all Armenian people well on this day.

30TH ANNIVERSARY OF THE MARS INCORPORATED PLANT IN WACO, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. EDWARDS. Mr. Speaker, I rise to commemorate the 30th anniversary of the Mars Incorporated manufacturing facility in Waco, Texas—an important institution in our community since its opening on September 23, 1976.

For decades, this facility has produced the Snickers® Bar and other Snickers® varieties for American consumers, and it is now the only facility in the country that produces Skittles® Bite Size Candy and Starburst® Fruit Chews. Roughly 700 people are employed at the Waco facility, many of whom have worked at this facility their entire careers. The loyalty of its associates is a testament to Mars' commitment to providing associates with an environment in which it is a pleasure to work.

I have been proud to have a Mars facility in my district all these years. Approximately $30 million worth of Texas-grown peanuts are used in the Waco facility to produce Mars' popular snackfood products. In addition to the hundreds of jobs that this facility brings to our economy, Mars has also embraced its role in our community through numerous charitable contributions and community sponsorships.

Mars has also been a pioneer in its industry for the installation of water-saving treatment facilities at some of its plants, and it has incorporated a Wetlands Wastewater Treatment Facility in its Waco facility which saves 3 to 5 million gallons of water each year. In Texas, where we've experienced severe drought in recent years, water conservation is increasingly important. I commend Mars for being a leader on this and other sustainability issues, and I encourage similar facilities in Texas to use the Mars model as an example of environmentally conscious production.

Again, I congratulate Mars for reaching this 30-year milestone and hope that this facility will continue to be a member of our community for many more decades to come.

ON THE 150TH ANNIVERSARY OF THE FOUNDING OF WISE COUNTY, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Ms. GRANGER. 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, lead by Sam Woody and his family, came to the Wise County region in 1854 attracted by an abundance of land, game and other natural 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 Cook County and named it for Henry A. Wise, a U.S. Senator from Virginia who had supported the annexation of Texas into the United States a decade earlier. By a popular vote, the community of Taylorville, named for President Taylor, was selected to the county seat where the first of four county courthouses was constructed. Later, the town's name was changed to Decatur in honor of U.S. Naval hero Stephen Decatur at the urging of Col. Absolam 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 Decatur 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 continues 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. Seventeen 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 Slidell.

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 McAbier of Baltimore, have narrowly escaped death. Others, like Carnell 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. McAbier, 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. McAbier 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. McAbier, 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.

Mr. Speaker, 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. McAbier 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. McAbier, 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 anniversary 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 the Catholic of Spain, and several of his ancestors were conquistadores who fought with Hernan Cortez in the early 1500s in Mexico. Some of the descendants of his ancestors include the founders of Matamoros, Monterrey, Mier, Saltillo, and Camargo, Mexico.

In 1937, during 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 then joined 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 had 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 1996, 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 Sheriff's Office for almost 30 years, and in 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 Veterans 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 four 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, I am honored to 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 ber 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 math and science at 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 cheerful determination 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 and community activist who passed away in Brooklyn, New York, on August 5, 2006. I would like to enter into the CONGRESSIONAL RECORD his obituary which captures his many contributions and achievements to the great State of New York. We will never forget him. Thank you.

FRANCIS ANTHONY DAVILA-LAWRENCE, JANUARY 9, 1921–AUGUST 5, 2006

Francis Anthony Davila-Lawrence, known by some friends as Frank and by other friends as Francisco, left this life on August 5, 2006 at 85 years of age. Francis was born in Harlem Hospital on January 9, 1921 to a Panamanian-Caribbean mother and a Cuban father.

Francis was a New Yorker. He spent the majority of his life working 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, Jason.

With Frank's passing goes a library of stories and experiences. He grew up during the Great Depression. He attended the very 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 serve with the Merchant Marines as a civilian worker, and in the Coast Guard during the 1950s.

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 active participant 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 investor, he amassed properties across 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 National Enquirer.

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 into 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 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 mattered 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 Gloria, Angela, and Marie, and a host of 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 an integral 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, CA as a teenager. A talented musician, he graduated from Mills High School and went on to San Francisco State University intent on pursuing his interest in music. At his parent's request he agreed to consider a more "typical" career and like many college students he explored multiple options before finding his calling as a court reporter.

Mr. Speaker, after passing the California State Court Reporters exam, Mark worked for a couple of different firms before his entrepreneurial spirit lead him to start his own firm Brickman Deposition Reporting in 1986. Like so many successful enterprises this company was started out of his house, before growing and now operating out of San Francisco. Mark's success has taken him across the country and around the globe. However, even more impressive is the fact that Mark is still able to make sure he is always around for his wife Cynthia, herself a court reporter, and their children. Although able to type over 100 words a minute, Mark is taking the time to write a book with advice for step-fathers.

I urge all of my colleagues to join me in paying tribute to Mark Brickman, a professional court reporter and a terrific guy and to read more about him in the following article from the San Mateo Daily Journal.

A MAN IN THE KNOW

(By Heather Murtagh)

Mark Brickman isn't an ordinary reporter, but the man is in the know.

He can type fast. He knows a lot about many topics and he can keep a secret.

Brickman, 49, is one of thousands of court reporters paving their own way tailoring a job that fits their lifestyle. It wasn't the path Brickman believed he would end up on—music was his passion.

Brickman moved from San Francisco with his family to Millbrae when he was 13. He graduated from Mills High School in the early 1970s. Before leaving the school, Brickman made his mark in the music department. By playing the clarinet and saxophone, Brickman was able to partake in all things music around the campus. The musical love even brought him over to Europe for a class trip.

He began San Francisco State University wholeheartedly committed to studying music. At his parent's request he looked into studying a more lucrative area—like business. It was the first of many changes before a neighbor introduced him to court reporting.

"It was right up my alley. I was always into words and I love politics and being social," he said.

Once he found the right career the motivation just hit Brickman. Since private school allowed him to focus on the court reporting rather than general education, Brickman was able to finish in two years—graduating in 1978. While in school Brickman worked as a typist for a court reporting firm. It took him two tries to pass the court reporting exam, but once he did his hard work paid off as he was offered a job.

There are two types of court reporters—actual court reporters and freelance reporters. Court reporters sit in the courtroom transcribing what is being said. Freelance reporters complete depositions, transcribe conversations and complete any paperwork outside of the courtroom. Brickman is primarily a freelance reporter but he dabbles in courtrooms from time to time—only for topics that interest him.

He produces hundreds of pages in a day, and it's not because of his typing skills. Brickman can type over 100 words per minute but court reporters use a different method of typing. The language is a special kind of shorthand, which sometimes consists of typing two letters simultaneously. To type the, for example, Brickman just presses "t," and the word if is the letters t and p pressed at the same time. It's a difficult language to master, said Brickman, but the work is worthwhile.

Brickman worked for a couple of firms before opening Brickman Deposition Reporting in 1986, the firm is currently in San Francisco but started in his bedroom in Foster City. It's the kind of job, which can be as consuming or low maintenance as a worker could want. Reporters are paid between $4 to $10 per page. Brickman's work has taken him to multiple states and as far as Tokyo. He's listened in on the personal information of Debbi Fields, the woman behind Mrs. Fields, and self-help guru Deepak Chopra.

Brickman loves being in the know of personal and political situations going on around the nation. The career, he said, is great for anyone needing flexibility in a work schedule. It's also something that requires lots of work, accuracy and studying to get right. Brickman had one professor who would read names and numbers out of the phone book for hours as they transcribed it—a task he hated at the time.

"I could kiss his forehead. Twenty-six years later and I still use those skills," he said.

Despite his busy schedule, Brickman still makes time to have a life. He lives in San Mateo with his wife of four years, Cynthia, and her 18-year-old daughter Erika. Cynthia has four children, two girls and two boys. Brickman adopted Beverlee, the older daughter, just a few months before he married Cynthia.

Brickman met Beverlee at a convention for court reporters, which they both are, when Brickman first started dating his wife. He instantly felt protective of her. When the idea to adopt her was brought up, Brickman never looked back.

Even with success in business Brickman said it's important to have a balance with family and an outside life. He spends much time with his wife and children. He'd love to help with a national election one day. When he has the chance he loves to write. In fact, he's currently working on a book detailing his experiences with mixing families and tips for stepfathers.

TRIBUTE TO GOVERNMENT AND PEOPLE OF ARMENIA ON THE 15TH ANNIVERSARY OF THEIR INDEPENDENCE FROM THE SOVIET UNION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. MCKEON. Mr. Speaker, I rise today to recognize the Republic of Armenia on the occasion of the 15th anniversary of their independence from the Soviet Union.

Since September 21, 1991, Armenia has faced the daunting challenge of building a modem free market economy on the crumbling foundations of Communism. In spite of the situation as they inherited it, Armenia's story has been one of increasing success against long odds. As a member of the World Trade Organization, and a country committed to privatizing their economy, Armenia has seen positive economic growth rates since 1995. While there remains much work to be done, I am confident that the people of Armenia, with their long history of triumph over adversity, will succeed again in making their country a beacon of hope in its troubled part of the world.

Throughout their history, the Armenian people have proven both their desire and determination to be free. I am proud to join my colleagues in acknowledging the anniversary of independence for the free government of the Armenian people who have been ruled by the Roman, Byzantine, Arab, Persian, Ottoman empires as well as the Soviet Union.

On this important occasion, I extend my congratulations to the people and government of Armenia.

ARMENIAN INDEPENDENCE DAY REMARKS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, today marks the 15th anniversary of the independence of Armenia. On this day in 1991, Armenia was finally given the opportunity for self-rule for the first time in centuries. After suffering under harsh rule of the Turks, who attempted to slaughter them, and then the Soviets, who imprisoned them and persecuted them for their Christian beliefs, Armenia is now heading for a bright future filled with liberty and economic growth.

After decades of stagnation under the failed communist economic system, Armenia now ranks as the 27th most economically free nation in the world. A member of the World Trade Organization, Armenia is working through the World Bank and International Monetary Fund to grow its economy. I have strong faith that Armenia will continue to grow despite the harsh embargoes of its neighbors in Georgia and Turkey.

Armenia is justifiably proud of its deep cultural roots that go back to the dawn of recorded civilization. Ninety-nine percent of Armenians are literate and they have preserved both a distinct language and alphabet. Located in the shadow of the famed Mt. Ararat,

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 the road to 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*'s crew preformed 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 preformed 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 join me in extending congratulations to NASA for the successful completion of the *Atlantis* mission. And extend a special thank you to *Atlantis*'s 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 signficant 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

$734.4 million aggregate in these accounts in 2004. The sales charge on that amount was about $44 million, or about six percent. What is the basis for outlawing a product that over half a million individuals, including half the flag officers on active duty at the time, had freely chosen? Do we really believe that individuals charged with the deployment of billions of dollars of military equipment, are not sophisticated enough to make their own financial decisions?

When the Congress last looked at this product in 1970, we recognized periodic payment mutual funds are a valuable means to help encourage savings by people who do not have large amounts of discretionary income. I have seen no evidence in the record indicating that the judgment then was incorrect. In fact, testimony received by the Financial Services Committee indicates that these periodic payment mutual funds are working for those military members choosing to utilize them.

Before voting on S. 418, Congress should consider whether it is in the best interests of our armed services to substitute our judgment for theirs by banning a financial product that the armed services deem well-suited for their financial security.

Mr. Speaker, I am pleased to introduce the Enhanced Options for Rural Health Care Act. This legislation allows critical access hospitals to use beds designated for critical access use, but currently not being used for that purpose, for assisted living services financed by private payments.

This bill will help improve the financial status of small rural hospitals and extend the health care options available to people living in rural areas without increasing federal expenditures. Currently, fear that rural hospitals will lose critical access status if beds designated for critical access are used for another purpose is causing rural hospitals to allow beds not needed for a critical access purpose to remain unused. This deprives rural hospitals of a much-needed revenue stream and deprives residents of rural areas of access to needed health care services.

My colleagues may be interested to know that the idea for this bill comes from Marcella Henke, an administrator of Jackson County Hospital, a critical access hospital in my congressional district. Ms. Henke conceived of this idea as a way to meet the increasing demand for assisted living services in rural areas and provide hospitals with a profitable way to use beds not being used for critical access purposes. I urge my colleagues to embrace this practical way of strengthening rural health care without increasing federal expenditures by cosponsoring the Enhanced Options for Rural Health Care Act.

HONORING SEAN T. CONNAUGHTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. WOLF. Mr. Speaker, it is an honor for Mr. TOM DAVIS of Virginia and myself to recognize The Honorable Sean T. Connaughton, former Prince William Board of County Supervisors chairman. Sean was recently confirmed as Maritime Administrator in the Department of Transportation and his education and experience will serve him well at the federal level.

We want to take this opportunity to recognize the dedication that Mr. Connaughton showed the people of northern Virginia as Prince William chairman. At a time when northern Virginia was experiencing heavy population growth, Mr. Connaughton took his responsibilities as an elected official very seriously. Prince William's financial resources were well managed and Mr. Connaughton made significant improvements in terms of education, economic development, public safety, and transportation. On behalf of Virginia's 10th and 11th districts we want to thank Chairman Connaughton on his exemplary service.

Mr. Connaughton is a U.S. Naval War College graduate and alumni of the Merchant Marine Academy. While serving as Prince William chairman he also worked as an attorney dealing with maritime laws and is a part of the Maritime Law Association. A U.S. Naval Reserve commander and former active-duty member of the U.S. Coast Guard, his accomplishments speak for themselves. We have every reason to believe that Mr. Connaughton will be an asset to the Department of Transportation and want to congratulate him upon his confirmation.

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 $900 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 which helped him 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 everyone 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 legal presence . . . This second identification system would be used only for voting [but the Help America Vote Act] . . . and state and local election procedures

already address identification needs [while] . . . This legislation contains only a vague promise to reimburse states for the cost of providing voter ID's to indigent individuals. There is no specific appropriation for this . . . and little likelihood for one.''

If the Republican leadership had been willing to allow the House to consider amendments, changes could have been made to remove any doubts about its constitutionality and to avoid burdening the state and local governments with unnecessary burdens. However, instead the leadership insisted on bringing the bill to the floor under a procedure that prevented that—one of the reasons that many have questioned whether the real purpose of the bill is less to respond to potential election fraud and more to make it harder for some citizens to vote.

I am not opposed to a carefully constructed and constitutional bill that would enhance workplace identity, which is why I support H.R. 98. Nor am I opposed to legislating in order to ensure that non-citizens and others ineligible to vote are prevented from voting fraudulently. And I am hopeful that once the heat of this election season passes, the House will return to a more deliberative and bipartisan way of doing business on this issue and others.

But, in the meantime, I think this bill does not merit enactment as it stands because its defects outweigh whatever value it may have as a supplement to the existing state and federal laws against election fraud.

CONGRATULATIONS TO BAY HAAS ON THE OCCASION OF HIS RETIREMENT FROM THE MOBILE AIRPORT AUTHORITY AFTER 24 YEARS OF SERVICE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service and leadership of Bay Haas upon the recent announcement of his plans to retire. For the past 33 years, Mr. Haas has served the Mobile community in a distinguished manner.

Following 9 years at IBM, Mr. Haas began his career in public service in 1972 when he was elected to serve on the Mobile County Commission, one of the youngest men at the time to serve in such an important post. He has since devoted his life to the well-being and development of south Alabama. In addition to his two terms on the Mobile County Commission, Bay Haas has served as executive director of the Mobile Airport Authority since 1983.

Following 24 years at the Mobile Airport Authority, Mr. Haas announced his plans to retire in June of next year. For nearly a quarter of a century at the Mobile Airport Authority, Bay has been committed to aiding Mobile's industrial growth. His efforts have been critical in recruiting what is now ST Mobile Aerospace Engineering for Brookley, Mobile's largest industrial employer, and more recently, EADS North America. Bay's distinguished work has helped gain Mobile greater recognition in the international aerospace field.

Not only has Bay served the Mobile community with his role at the Mobile Airport Authority, but he has various other leadership positions throughout the city. He currently serves as a member of the vestry at St. Paul's Episcopal Church, the Cruise Ship Task Force, the Chamber of Commerce Legislative Affairs Task Force, the Mobile Area Education Foundation, and as chairman of the Salvation Army Advisory Board, among many others.

Mr. Speaker, I ask my colleagues to join with me in commending Bay Haas for his tireless service to Mobile. I know Bay's colleagues, his family, and his many friends join with me in praising his significant accomplishments and extending thanks for all his efforts over the years on behalf of the citizens of the First Congressional District and the state of Alabama.

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 the community of Wakulla, 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 aeroscout team leader and brigade 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 Georgia 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 be an astronaut, Colonel McArthur applied 7 times before he was selected by NASA in January 1990 and was officially designated an astronaut in July 1991. Since then, McArthur has worked in various positions within the Astronaut Office and has served as the Chief of the Astronaut Office Flight Support Branch. He has flown on four space flights including the *Columbia* in 1993; the *Atlantis* in 1995; the *Discovery* in 2000; and *Expedition 12* in 2006 of which he was the Commander and International Space Station Science Officer. During his devoted service, Colonel McArthur has logged 224 days, 22 hours, 28 minutes and 10 seconds in space, including 24 hours and 21 minutes of EVA time in space walks, and he has completed 556 orbits of the Earth.

Mr. Speaker, in 1962 President John F. Kennedy said, ''We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people.'' Colonel Bill McArthur reminds us that there is still much to be gained—for the benefit of all mankind—as we continue to explore space. On behalf of all the citizens of southeastern North Carolina and the United States, we thank him for all he has done to make this a better place. May God bless him and his family.

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 and celebrate the second 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 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 Dizzy 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 pioneering jazz musicians and played with 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.

Dr. Taylor continues to be the country's spokesman for jazz. From 1977 until 1982, Dr. Taylor hosted "Jazz Alive," National Public Radio's most listened-to jazz program of its time.

In March 1993, he was appointed Jazz Adviser to the Kennedy Center, where he was responsible for dramatically expanding and enhancing its jazz program—and although he has officially retired, Dr. Taylor is busier than ever, continuing to provide his expertise to the institution. As with Jazzmobile, Billy Taylor continues to create outreach activities and public performances to expose people of all ages to the genre of Jazz at the Kennedy Center. At the University of Massachusetts, where he is the Wilmer D. Barrett Professor of Music, Dr. Taylor leads the annual Jazz in July program.

As we prepare for the 2nd Annual Duke Ellington Festival to be held in October, it is my pleasure to recognize Dr. Billy Taylor for his lifetime achievements and contributions to the genre of jazz and to the world at large. He is not only an extraordinary artist, but also a renowned and celebrated professional who has dedicated his life to bringing music to the masses. Dr. Billy Taylor inspires the next generation of musicians to continue in his footsteps and not only excel in their musical performances, but also to motivate and educate.

THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH 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. 418, 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 for 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. 418.

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.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

SPEECH 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 NOAA.

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 natural 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 have 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 the state of our 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 nations' 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 America's 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 core 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. Analogous to 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 search and rescue teams and shipping 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 heading 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 area, 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 mangrove stands 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 Buffalo's 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, servicing 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.

IN TRIBUTE TO LEONARD SYKES

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 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 congregates 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 witness in Plainville. A tent was used as their place of worship while the 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 early childhood 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 financial help from Irving 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. Professors and researchers at Erikson are committed to sharing their knowledge with both the academic community and the general public. The Erikson Institute is dedicated to outcomes—understanding what works and how—as well as the repetition of successful models. The Erikson Institute's formula for success has greatly benefited numerous programs in the Chicago area, including: Early Head Start; Chicago Public Schools; Illinois Department of Children and Family Services Early Childhood Unit; and Children's Place Project to name a few. Their impact is felt nationwide with over 2,500 graduates a year working in various regions of the country.

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.

NATIONAL PSORIASIS FOUNDATION

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 psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. Psoriasis is widely misunderstood, minimized and undertreated. 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 Nation 56 million hours of lost work and between $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 average 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. I am pleased that my constituents 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 and 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 to honor 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 owes 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 relationship 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. Border Patrol with 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. The 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 president and CEO of the Metropolitan Wilmington Urban League.

The Metropolitan Wilmington Urban League, MWUL, actively works to assist the disproportionate number of 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 underprivileged 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 successful advocacy work. 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 responsibilities included 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.

IN HONOR OF 15TH ANNIVERSARY OF ARMENIA'S INDEPENDENCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today to commemorate and honor the nation of Armenia and all people of Armenian descent. Today marks the 15th anniversary of Armenia's independence, and is a proud day for the people of a country that has struggled for so long and succeeded so greatly.

The mass killing of 1.5 million Armenians by the Ottoman Empire was the first genocide of the 20th century. I am proud that the United States stood by as an ally to Armenia at that time and has continued to do so throughout the last century. During the cold war, the United States championed 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 vitally important to that community, economically, culturally, and in every other relevant way. In doing so, I have benefited from the wisdom and experience of a number of people involved in the fishing industry, one of whom is Deb Shrader, 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 fishing industry, Deb Shrader published an article in the Standard Times for September 20, which gives an excellent summary of the difficult economic position in which current fishing policy puts so many hardworking people and their families. I hope my colleagues will read this because they will understand why I am working as hard as I am for amendments to the Magnuson Act, which will thoroughly 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 Shrader discusses so well, and for that reason I ask that her article from the Wednesday, September 20, Standard Times be printed here.

[From the Standard Times, Sept. 20, 2006]

FISHING RULES TAKE THEIR TOLL

(By Deb Shrader)

How fishing regulations affect the people in a fishing community is nearly a taboo subject. Though the Magnuson Act of 1976 requires that the social and 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 economics Professor Dan Georgianna, to study the most recent effects of regulations on groundfishermen. We have been meeting with fishermen, aboard their boats, to talk with them. I 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 paycheck of $750. If you work out the 18 hour day, multiply by 10, and then divide the $750 by the 180 hours worked, these fishermen worked for well below minimum wage at about $4 an hour. The high cost of fuel, coupled with the low prices for fish make me wonder why they still ''go down to the sea in ships,'' and I'm not afraid to ask that question of groundfishermen. The answer is usually that they are fishermen through and through, and with most of the men in their mid to late forties, the idea of starting at the bottom of a ladder in a new trade is more than depressing. They are used to the unique lifestyle of commercial fishing with its sense of independence, competitiveness and chance to work close to nature.

In 2005, Professor Georgianna and I published a study called ''Employment, Income and Working Conditions in New Bedford's Offshore Fisheries.'' As part of this study, we visited and spoke with the captains and crews from more than half of the offshore scallop and groundfish boats that call New Bedford home port, and are 50 feet or longer.

In this study, working with fishermen and settlement houses, we put a human perspective on the industry. After meeting with crew from more than 200 boats, we found that the workers in the industry are rapidly aging. The average age of a scalloper is 40 with 19 years at sea; the average age of a groundfisherman is 46 with an average of 26 years at sea. These fishermen are professionals with many years of experience, in some cases more than half their lives. During our entire process, we spoke with only four groundfishermen who were 25 years old or younger. We attribute this to the fact that fishing is so very dangerous, that considering the difficulties and insecurities created by a regulatory system, young men are not choosing to fill their father's boots, a practice in previous generations that has kept our port so strong. In fact, many fishermen discourage their children from joining them on the boats. Instead, they discourage their sons from being involved in an industry that has become too complicated and laden with bureaucracy.

It has been predicted that the Port of New Bedford will lose approximately $15 million due to the changes presented in the most recent Framework 42 (a framework is a process for amending a fisheries plan) of the groundfish regulatory system. Please keep in mind that because we have an offshore fleet, our boats are larger and carry more men than some of the coastal fisheries in other areas. Each groundfishing boat carries three to five men. At the end of each fishing trip, the boat owner and crew split the proceeds. The boat owner usually gets 50 percent of the value of the fish caught, while the crew splits the remaining 50 percent (after expenses like fuel, food, and ice are deducted). Each groundfishing boat represents four to six families' incomes. If this community loses $15 million in commerce from these regulatory changes, $7.5 million will be removed from fishermen and their families, which has a wider spread effect than a corporate loss. This would mean $7.5 million less to pay mortgages and auto loans held by local banks, less to buy groceries in local markets and home goods at the local mall. If you think this crisis will not affect you because you are not involved in this noble industry, you are wrong. These types of losses in a community with rampant unemployment will be devastating to all.

New Bedford is also one of the last great ports as far as what is available for shoreside support industries. The failing of the industry in Gloucester, and other smaller ports, has already caused a collapse of the net makers, dredge builders, welders, ice makers, chandlers, and other support industries in those ports. New Bedford has become one of the last remaining sources for supplies and labor on which all the boats depend. The big question is whether these crucial support industries will survive this regulatory process. Many of these are small businesses and are presently carrying a great deal of debt owed by the boat owners who have a difficult time

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 violent situations.

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 2,683 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 other nations 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 hope that the acts of peace we perform 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 Schools of 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 notables as actors John Cusack and Lara Flynn Boyle; screenwriter and director Adam Rifkin; 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. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Mr. MEEK 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 in 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 and retract your dangerous and fictitious accusations directed towards the Jewish community. We also demand that you work to uphold the Darfur Peace Agreement, and actively and immediately strive to end the genocide within your borders. Finally, we encourage you to work closely with Special Presidential Envoy Andrew Natsios who is ready to aid your nation 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's not forget about 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 overcame 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 shared with me their apprehension about the growing levels of violence and I share their commitment to establishing a lasting peace in Sri Lanka.

That is why today I wrote to Secretary of State Condoleezza Rice asking her to appoint a special envoy for Sri Lanka. I attach that letter. The appointment of a high level official with the ear of President Bush will ensure that our government is focused on doing everything in its power to bring a lasting peace to the people of Sri Lanka. Further, naming a special envoy will ensure that there is a U.S. government official solely dedicated to fostering cooperation between the two parties and working to establish a mutually agreed peace. This envoy also must have a clear mandate to monitor human rights violations on the ground and ensure that international humanitarian laws are observed by all parties.

It is my hope and prayer that the violence will end and that the parties in Sri Lanka will return to the peace negotiations. America must remain committed to fostering peace in Sri Lanka and working with the international community to bring an end to the current conflict. The people have endured civil war for too long. Our Nation must do everything it can to foster a lasting peace in Sri Lanka.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 21, 2006.

Hon. CONDOLEEZZA RICE,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY RICE: I am writing to urge you to appoint a special envoy for Sri Lanka because I am deeply troubled by the situation on the ground there. This summer brought an end to the negotiated permanent ceasefire, which had been generally observed since 2002. The renewed violence and rising death toll in Sri Lanka are a grave risk to the fragile peace process and threaten a return to open civil war.

News reports indicate that recent heavy fighting has resulted in hundreds of deaths and the displacement of more than 200,000 people 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's mandate 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 FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. FORTENBERRY. 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 the 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 well 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 GOSSMAN'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, genial 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 expectations flowing 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 the Saint 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, and 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 clearing, cleaning and preparing beds for more that 8,500 flowers 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 Bataan and 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 stronger, more effective unions. This technique focuses 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 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 one might expect, since 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 nationwide. He designed and developed programs such as the Construction Organizing Membership Education Training (COMET) and the Multi-Trade Organizing Volunteer Education (MOVE) curriculums that streamlined labor's 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 who came to view him as one of our own. The feeling appears to be mutual. As he described his Upper Peninsula neighbors, "The folks up there welcomed me with open arms. They taught me so much about the labor movement in the Upper Peninsula."

Since 1993, outstanding labor leaders and individuals who have contributed to organizing, workplace fairness, worker dignity, and the advancement of the labor movement in northern Michigan, have been honored with induction into the Upper Peninsula Labor Hall of Fame. The Hall of Fame is housed in the Superior Dome on the campus of Northern Michigan University in Marquette. Mr. Kotler is a deserving addition to this august group. I wish him all the best and ask that the U.S. House of Representatives join me in saluting Fred Kotler for his contributions to the Upper Peninsula Labor movement and his ongoing dedication to all working men and women in our nation.

STATEMENT OF ROGER P. WINTER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. WOLF. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD a statement by former special representative on Sudan, Roger P. Winter. This statement was delivered at a hearing on the current situation in Sudan—the House International Relations Committee Subcommittee on Africa.

Roger's testimony is compelling and I encourage all members to read it. The warning signs are written on the wall; if the international community fails to act, the genocide in Darfur can and will get worse.

The statement of Roger P. Winter, October 20, 2006, follows:

STATEMENT OF ROGER P. WINTER, FORMER SPECIAL REPRESENTATIVE ON SUDAN OF THE DEPUTY SECRETARY OF STATE

Sudan's National Congress Party is controlled by an intellectually-capable, radically-committed, conspiratorial and compassionless nucleus of individuals, long referred to as the National Islamic Front (NIF). In the seventeen years since they came to power by coup to abort 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. Almost all of them are still in important positions.

The NIF core is a competent cadre of men who have an agenda, the pursuit of which has killed millions of Sudanese and uprooted and destroyed the lives of millions more. While their agenda is radically ideological, it is equally about personal power and enrichment. They are not at all suicidal, but they respond only to credible threats against their power and prosperity. The international community with its limitless posturing and (too often) empty words has, to date, never constituted a credible threat. During its seventeen-year reign, the NIF engaged seriously with critics only once, that being when confronted by a strong Sudanese Peoples Liberation Movement and Army (SPLM/A) and an energetic international coalition led by the United States. The result was the Comprehensive Peace Agreement (CPA), an incredible, detailed document that ended a twenty-two year war between the NIF government and the people of southern Sudan, the Nuba Mountains, Southern Blue Nile and Abyei. Despite Khartoum's deliberately slow and selective implementation, in my view, the CPA is now at very serious risk of survival.

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 their religious, cultural or ethnic background. The U.S. initiative beginning in 2001 made rather incredible progress in ending hostilities between the SPLM and the NIF government and opening up humanitarian access to war-affected people, raising the hopes and expectations of a better life for almost all Sudanese. That the peace process took four years is not surprising, given the egregious history to be overcome and the quality of the final text. The CPA was signed in January 2005. In April an SPLM delegation went to Khartoum to begin implementation arrangements. On landing at Khartoum's airport they were engulfed by joyous throngs of Sudanese of all backgrounds—Muslims, Christians, Africans, 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 Mabior, chairman of the SPLM and Commander-in-Chief of the SPLA arrived in Khartoum to sign the Interim Constitution that was to implement the CPA, huge crowds of Northerners and Southerners estimated by some at 6–8 million came out to meet him. His popularity was such that, in a free election, it is likely that he could be elected President of Sudan 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 considered "African" as distinct from "Arab" initiated hostilities against the NIF government, The NIF responded precisely as it had in the war against the SPLA. This involved destruction of civilian populations, denial of humanitarian assistance to war-affected civilians, utilization of surrogate Arab militias in coordination with formal government military forces and pretence of themselves being the aggrieved party, being the "sovereign" government. The violence exhibited a character far beyond that which could fairly be described as "military". Ethnic cleansing was clear. Genocide was its truer name.

The CPA includes a provision that the South and potentially Abyei can legally secede from the Sudan state if a referendum in those areas, scheduled for 2011, so decides. (The people of Southern Blue Nile and the Nuba Mountains, to their great dismay, have no similar option and fear being overwhelmed by Khartoum eventually). The NIF committed itself to make unity attractive but the war in Darfur has demonstrated to the SPLM that unity in a state dominated by the NIF would be anything but attractive. Many core NIF adherents were appalled by this provision, not just at the potential dismemberment of the Sudanese state but also because a large percentage of Sudan's known oil reserves, now increasingly coming on line, are located in the South. If the South legally seceded, that oil would then belong to it as a new separate country. Those NIF personnel also saw other CPA interim provisions as contemptible: that Dr. Garang would become Sudan's First Vice President, that the South would have its own government, that the SPLA would continue to exist as a component of "the national army", but separate from the Government's army, and that national elections would be held.

So, why did the NIF government sign the CPA? With its very limited allegiance from the Sudanese public and increasing military threats from Sudan's other disaffected marginalized populations, with the international war on terror potentially having

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. At least signing guaranteed it six and one-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, was killed 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 abort any potential for a viable referendum. maintain 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 realities on the ground in Darfur before the international community gets serious, if that is possible. They believe they have ''read'' us, the international community, all accurately, 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 successfully 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 loyalty is to Khartoum. Several veteran SPLM leaders, brilliant, capable men who were critical in achieving the CPA, have now left the country in despair.

The process for undermining the referendum is now underway. The first elections, preliminary to any referendum, are scheduled for 2008. To prepare for them, basic elements, laws and structures must be put in place, especially in a context where there is no history of elections. For example, there has been no proper census in Sudan since 1983. Thus, the architecture for elections is being put in place in a context largely controlled by Khartoum loyalists. And, too, the international community is being of only limited assistance to the SPLM in its conversion from a rebel movement into a nationally competitive political party, a serious shortcoming.

The future of Abyei, a place little understood by outsiders, is a critical issue as it is the repository of a significant amount of Sudan's oil; most of Abyei is an oil field. Currently that oil is being extracted under Government contracts with oil companies from China, with its UN Security Council veto power, Malaysia, India and Sudan itself. Its products are fueling the NIF's war in Darfur. The CPA provided for an Abyei Boundaries Commission (ABC) to determine Abyei's actual borders, so that oil revenues can be properly allocated. The ABC determined the boundaries but President Beshir has rejected it and also the appointment of an interim local government as provided in the CPA. To buy time as the clock ticks, he refuses to proceed. The highly volatile Abyei area, thus, remains largely in the hands of the Sudanese Army.

The Sudan Peoples Liberation Army is, in many ways, the reason the CPA exists. This rebel army, with very limited resources, could not be defeated by the Sudan army. But that was then; this in now. The balance may be changing. The riches of Khartoum are being used to modernize and equip the Sudan Army. The SPLA is largely as it was several years ago, perhaps even less so. In significant part, this is due to us. Endless debating regarding what the U.S. is authorized to do to the help in the transformation of the SPLA into a modern military force is very dangerous. It could cost South Sudan and potentially all of Sudan tragically in the future. Transformation of the SPLA is the surest guarantee that the CPA will survive.

It is my view the war in Darfur and the survival of the CPA are inextricably entwined, 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 of the loss of 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 can again compete, 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-stymied UN protection force. In fact, some of the UN force already in the South, in such places as Wau virtually next door to Darfur, could be moved there quickly. 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. such as setting up an office of Inspector General of Government. Some of these issues were discussed by Salva Kiir, President of South Sudan, when he met with President Bush in July.

3. Focus now urgently 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 SPLM to be able to fully participate in preparations.

4. Take Abyei seriously. If war breaks out again between the NIF and the SPLM, it will in my estimation likely begin in Abyei. Expose President Beshir'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 force to a modern military, The delays already caused by U.S. persistent bureaucratics have the potential for actually encouraging war and the ultimate loss of life and of the CPA.

6. Finally, given the ''no negative consequences'' pattern experienced by the NIF for crimes committed, accountability for past, current and future crimes is a critical issue. Unfortunately for Sudanese, the International Criminal Court seems to have disappeared. An internationally agreed-on system of accountability is desperately needed for Sudan's atrocities. The U.S. should actively take leadership in addressing this crying need.

Believe me, we are in really dangerous times regarding Sudan. It could happen that the CPA is stamped ''CANCELLED'', along with an incredible additional number of Sudanese lives. And if that happened, it would blot out one of the finest U.S. initiatives of the last decade.

HONORING THE KANSAS CITY HISPANIC NEWS ON THEIR TENTH ANNIVERSARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2006

Mr. CLEAVER. Mr. Speaker, during this Hispanic Heritage Month, I proudly rise today to pay tribute to Americans of Hispanic descent in my District. Joe and Ramona Arce, owners of Arce Communications, Inc., which publishes the Kansas City Hispanic News, are celebrating the Tenth Anniversary of the start of their local Hispanic publication. On September 16, 1996, the Arce family: Joe, Ramona, their daughters, Lisa and Rachel, along with the assistance of family friends, Jesus Ortiz and Kathleen Cruden, set out on their journey of providing informative local news on topics of interest for the growing Latino community in the Kansas City Metropolitan Area with their first ten page bilingual newsprint.

Mr. Joe Arce—a product of Kansas City, Missouri's Westside neighborhood, a proud long-standing Mexican-American neighborhood—has a long history of civic involvement and long been known as an advocate of the Latino community, having served on the Boards of many local non-profit organizations, such as the Guadalupe Centers, the Hispanic Media Association, and the Center for Management Assistance. He has also served on Advisory Boards, including with the Cabot Westside Clinic and Heart of America United Way. With over 25 years of news experience, both as a cameraman and reporter at WDAF–TV Channel 4, Joe and his family envisioned the formation of a new vehicle by which they could "transmit" the stories of local people as opposed to those carried in the mainstream metropolitan papers. I am proud of the Arce family's accomplishment, by reaching their 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.

Daily Digest

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. **Pages S9896–97**

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". **Page S9896**

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. **Pages S10003–04**

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". **Page S10004**

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. **Page S10004**

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. **Pages S10004–05**

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. **Page S10005**

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: **Pages S10005–06**

Frist (for Craig) Amendment No. 5034, to make a technical correction to title 38, United States Code. **Page S10006**

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: **Page S10007**

Frist (for Lugar) Amendment No. 5033, in the nature of a substitute. **Page S10007**

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. **Page S10007**

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: **Pages S9863–86**

Pending:

Frist Amendment No. 5031, to establish the effective date. **Page S9886**

Frist Amendment No. 5032 (to Amendment No. 5031), to amend the effective date. **Page S9886**

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. **Page S10003**

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. **Pages S10007–08**

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. **Page S10003**

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) **Page S9894**

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. **Pages S9997, S10009**

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. **Pages S10008–09**

Messages From the House: **Pages S9894–95**

Measures Referred: **Pages S9895, S10003**

Measures Placed on Calendar: **Pages S9895, S10003**

Measures Read First Time: **Pages S9895, S10003**

Executive Communications: **Pages S9895–96**

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Additional Cosponsors: **Pages S9897–98**

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Additional Statements: **Pages S9893–94**

Amendments Submitted: **Pages S9908–96**

Authorities for Committees to Meet: **Pages S9996–97**

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 Allard 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 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.

Committee recessed subject to the call.

GENERIC PRESCRIPTION DRUGS

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. **Pages H6931–33**

Additional Cosponsors: **Pages H6933–34**

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). **Page H6931**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H6849**

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. **Page H6850**

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—c1earing the measure for the President. **Pages H6861–62**

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. **Pages H6850–61, H6862–69, H6894–95**

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. **Pages H6850–61**

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. **Pages H6869–79**

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. **Pages H6876–77**

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. **Pages H6877–78**

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. **Pages H6850–61**

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. **Page H6879**

Appointed as conferees: Representatives Young of Florida, Hobson, Bonilla, Frelinghuysen, Tiahrt, Wicker, Kingston, Ms. Granger, LaHood, Lewis of California, Murtha, Dicks, Sabo, Visclosky, Moran of Virginia, Kaptur, and Obey. **Page H6879**

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. **Page H6879**

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 yea-and-nay vote of 277 yeas to 140 nays, Roll No. 468. **Pages H6880–94**

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. **Pages H6891–92**

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. **Pages H6892–94**

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. **Pages H6850–61**

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 yea-and-nay vote of 215 yeas to 204 nays, Roll No. 470. **Pages H6895–96**

Department of Homeland Security Appropriations Act, 2007—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and agreed to a conference. **Page H6896**

Appointed as conferees: Representatives Rogers of Kentucky, Wamp, Latham, Emerson, Sweeney, Kolbe, Istook, Crenshaw, Carter, Lewis of California, Sabo, Price of North Carolina, Serrano, Roybal-Allard, Bishop of Georgia, Berry, Edwards, and Obey. **Page H6896**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 27th. **Page H6897**

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. **Page H6897**

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). **Page H6922**

Quorum Calls—Votes: Nine yea-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. 473, 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 America and Asia in a Changing World. 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, State Assembly; and Mike Chrisman, Secretary, Resources Agency; 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.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, September 25

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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