United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRSTSESSION

Vol. 151 WASHINGTON, THURSDAY, MARCH 10, 2005 No. 28

House of Representatives

The House met at 10 a.m.

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

Lord, You have compassion for the sinner as a parent has compassion for children. When we look over our lives or our work on behalf of Your people, we know we are held accountable. But You do not treat us only as sinners nor repay us according to our faults. Your love is more penetrating.

For now we are only Your creatures and will soon return to the dust from which we were made. In You is the fullness of life and redemption, so we praise You and thank You, Lord, for Your countless blessings.

Now we have the opportunity to express our gratitude for Your great mercy toward us, and show similar compassion for our brothers and sisters in most need of help and understanding.

By their decisions, in all of their efforts to govern, reveal Congress as fellow servants aware of the weakness in our nature who can trace in themselves and others common fault lines.

It is You who truly rule the conscience of the Nation, for You alone read human hearts now and forever.

Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. MCNULTY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 39, answered ''present'' 1, not voting 28, as follows:

[Roll No. 61]

YEAS—365

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Conyers
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)

☐ 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.

Printed on recycled paper.

Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
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
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—39

Baldwin
Brady (PA)
Capuano
Cooper
Costello
Davis (TN)
English (PA)
Filner
Gibbons
Gutknecht
Hart
Hastings (FL)
Hefley
Holt
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Marshall
McDermott
McGovern
McNulty
Oberstar
Olver
Peterson (MN)
Ryan (OH)
Sabo
Schakowsky
Strickland
Taylor (MS)
Thompson (CA)
Udall (CO)
Udall (NM)
Waters
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—28

Bachus
Baird
Cardoza
Clay
Cole (OK)
Conaway
Cox
Cummings
Delahunt
DeLay
Fattah
Fossella
Hyde
Jefferson
McHenry
McHugh
Northup
Norwood
Oxley
Payne
Ramstad
Rogers (AL)
Sanders
Scott (GA)
Stupak
Thompson (MS)
Tierney
Wexler

□ 1028

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, on March 10, 2005, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows: Roll No. 61: "Yea" (on approving the Journal agreed to by the yeas and nays).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of the Certificate of Election received from the Honorable Cathy Mitchell, Acting Secretary of State, State of California, indicating that, according to the semi-final official returns of the Special Election held March 8, 2005, the Honorable Doris Matsui was elected Representative in Congress for the Fifth Congressional District, State of California.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

CERTIFICATE OF ELECTION, STATE OF CALIFORNIA, OFFICE OF THE SECRETARY OF STATE,
March 9, 2005.

I, Cathy Mitchell, Acting Secretary of State of the State of California, hereby certify:

That according to the semi-final official canvass filed in my office, the person whose name is hereinafter set forth was duly elected at the March 8, 2005 Special Primary Election as a Member of the United States House of Representatives, representing the State of California for the remainder of a two-year term that began on the 3rd day of January, 2005;

That set opposite the name is the congressional district from which she was elected and the name of the county comprising or forming said district, with the name of any county entirely within or comprising the district shown in capital letters.

Member-elect: Doris Matsui.
District: Fifth.
County: Sacramento.

IN WITNESS WHEREOF I hereunto set my hand and affix the Great Seal of the State of California this 9th day of March, 2005.

CATHY MITCHELL,
Acting Secretary of State.

SWEARING IN OF THE HONORABLE DORIS O. MATSUI, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the Members of the California delegation present themselves in the well.

Will the Representative-elect from California (Ms. MATSUI) come forward and raise her right hand.

Ms. MATSUI appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the 109th Congress.

INTRODUCTION OF REPRESENTATIVE DORIS O. MATSUI

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

Mr. STARK. Mr. Speaker, as dean of the California congressional delegation, it is my distinct honor to introduce the newest Member of the House of Representatives, the Honorable DORIS MATSUI.

She was elected Tuesday, leading a field of 11 candidates with more than 69 percent of the vote, and I think that is just spectacular.

Just very quickly, DORIS was raised in the small Central Valley town of Dinuba, California. She has pursued a life of public service and civic leadership ever since. She was deputy assistant to President Bill Clinton. She has put service to her community and Nation foremost in her career and has a deep commitment to improving people's lives.

She worked to give voice to concerns of children, the elderly and equality for women and minorities. As a member of President Clinton's transition team and during her tenure at the White House, she played a key role in developing important policy initiatives. She increased the number of public school teachers, expanded health care for children and made college more affordable.

Appointed by President Clinton to chair the Nonprofit Liaison Group, she worked to coordinate the efforts of the Federal Government and nonprofit organizations. She serves as a trustee of the Woodrow Wilson Center which seeks to bring scholars and public policymakers together on major public and international issues.

She has been an advocate for professional international exchange programs between the United States and 140 nations.

□ 1030

In all DORIS' efforts, she had a strong partner in Bob, who would be proud to see her carry on the Matsui tradition of public service. We welcome the Matsui family, DORIS' son Brian; his wife, Amy; and granddaughter Anna.

Both sides of the aisle have their own dean. I think the other one may be

somewhat older than I am, but he is still the dean; and it is my distinct pleasure to yield to the Honorable JERRY LEWIS, the dean of the Republican delegation from California.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague from California yielding me a moment. DORIS knows that Bob and I were very, very dear friends. We came to the Congress together. At that time we talked a lot about our hometown, for the Matsui family knows that Arlene and I consider in many ways Sacramento to be really our second home. It was our privilege to spend a decade there working in the legislature on behalf of public affairs; and the reputation of the Matsui family went well ahead of their service here. Bob served as a member of the board of supervisors and was a fabulous local leader.

In turn, his tragic loss was a shock to all of us, but clearly the voice expressed by that vote by the people in that district that surrounds and includes Sacramento is a reflection of the fact that their people know and deeply believe that DORIS is the person to reflect the view and the future that Bob would have for the country.

DORIS, I want you to know that we do not just welcome you to the family today but it is very important for you and I to know that we will continue to work together on behalf of California and our second home; and, indeed, there are wonderful things as well as great things in the future that need to be done.

So welcome, God bless you, Godspeed.

Mr. STARK. And now, Mr. Speaker, with a final note that the California Democratic delegation of 33 members is now 55 percent nonmale, I want to introduce our newest Member, the Honorable DORIS MATSUI.

MAIDEN SPEECH BY THE HONORABLE DORIS O. MATSUI

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

Ms. MATSUI. Speaker HASTERT, Leader PELOSI, Chairman LEWIS and Mr. STARK, thank you very much and all the distinguished Members and friends here for welcoming me here today.

As I look around this Chamber, I see so many of you who have been my friends throughout these years. And now today I have the honor of calling you my colleagues. The last time I was here in this Chamber was December 23. Obviously, the House was out of session then. But Bob was so excited because he was going to bring Anna on the floor to witness his swearing in for his 14th term. So that morning of the 23rd we decided to do a practice run, and we brought Anna here on the floor of this awe-inspiring Chamber to get her used to it. After that, we went back to his office and we just happened to take a picture of Anna sitting on her grandfather's lap behind a desk with the Capitol behind. The next day, Bob fell ill and was hospitalized. And he tried so hard to get well, because he wanted to be here with his colleagues and with Anna.

As you all know, he loved this body. He loved coming to work here. And he loved all of you. But he did not win that battle. In the days since, I spent a lot of time talking with the people of Sacramento, and I have come to appreciate even more what Bob maintained all along, that his commitment to equality, his dedication to ensuring dignity to the elderly, his work to make Sacramento even a better place to live and work and to raise a family, and his driving desire to make America stronger for each successive generation, those things were not about him at all. They were about us. They were about our future.

And so I take this oath today with a heart both heavy and hopeful that we can all work together to build that better future. The challenges facing the people of Sacramento did not end with my husband's service. I know that Bob made all of you aware, in some cases painfully aware, how important the issue of flood control is to Sacramento. For many, many years, probably a couple of decades, my husband bent your ears on that. You will not be surprised to hear that that pain in your ear is not going to go away until we get it done.

This is truly the people's House, and that is why Bob loved it so. And I realize as I was talking and listening to the people of Sacramento how important it is to connect with the people. As I was talking with them in the grocery stores and the coffee shops, at the service stations, I heard from many people. Bob's high school teacher came up to me one day and said, DORIS, please, please make sure that Social Security is secure. I ran into a young mother at the grocery store who stopped me as I was picking up a can of peas and said, Mrs. MATSUI, I lost my husband a year ago, and I need those Social Security benefits for my son and myself.

When I was in a coffee shop, a young man rolled over to me and said, Mrs. MATSUI, I really need those disability benefits, because I don't want to have to depend on my parents. I talked to the hardware store owner and I listened really hard because he wants to provide health care benefits for his employees, but finds it to be very difficult.

Social Security, health care, the war in Iraq, these are all local issues. We happen to talk about them here, but they are all local issues. And on these issues and so many more, I look forward to working with all of you to find common ground and achieve common good.

I mentioned earlier the photo of Anna sitting on her grandfather's lap. One of our other family treasures is a photo of Brian here at age 6 witnessing his father's first swearing in. He sat right there. He is sitting there now. He is sitting there with his own daughter, Anna. Seeing him there and seeing Anna is a reminder that despite tragedy and heartbreak, life indeed does go on. And I know that somewhere Bob is looking down and smiling, knowing that Anna was here on the floor having watched her grandmother being sworn in.

Life does go on. And so it is with Bob's example and Anna's inspiration of future generations and with the hopes and dreams of the people of Sacramento, I take this honor and I have taken this oath to join you today as a colleague. And I truly, truly appreciate being here.

Thank you so very much.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 11, 2005, TO FILE PRIVILEGED REPORT ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, March 11, 2005, to file a privileged report, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would just ask the gentleman if he could explain what the schedule is for consideration of the bill both in the Rules Committee and on the floor, and I yield to the gentleman from California for that purpose.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding. I would be happy to try to respond. At this moment it is my anticipation that we will be in the Rules Committee on Monday next in the evening, sometime in the late day, I suppose; and hopefully we will be on the floor on Tuesday. If not on Tuesday, Wednesday.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Under clause 1 of rule XXI, points of order are reserved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute requests on each side.

CHILD MODELING WEB SITE BAN

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

Mr. FOLEY. Mr. Speaker, I want to bring to your attention an underground industry preying on our children, and that is exploitive child modeling Web sites. These Web sites contain images of young girls as young as 4 years of age wearing only their underwear, tiny bathing suits or other suggestive clothing, posing in sexually provocative ways. In most cases, these Web sites are nothing more than child pornography hiding under the guise of child modeling. These Web sites do not sell products, they do not sell services, and they serve our young people on a platter for America's most depraved. These Web sites are nothing more than a fix for pedophiles.

Let us be clear. These are not Web sites used for the modeling industry. No child has been hired as a bona fide model. They are only used to exploit these children.

□ 1045

In fact, these web sites are nothing more than gateways to child and adult pornography.

I have recently introduced legislation that would ban these sites once and for all, the Child Modeling Exploitation Act. This bill will not harm legitimate modeling nor families from being able to post photos of their families on the Internet, but the legislation has been carefully crafted to prevent exploiters from being able to use our children as sexual objects for money.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 623

Mr. ROSS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 623.

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

There was no objection.

ENDING THE CYCLE OF VIOLENCE AGAINST WOMEN

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this week marks Stop Violence Against Women Week. I rise to show my support for victims of domestic violence. I grew up in a large family. I am the sixth of seven children, and my family has always supported me. Nothing can replace the strength you draw from those that you love and trust. Tragically, it is even more devastating if family members or significant others violate this trust and become abusive.

Domestic violence is an enormous problem in this country, one that deserves immediate attention. According to the American College of Emergency Physicians, domestic violence is the largest cause of injury to women between the ages of 15 and 44 in the United States, more than car accidents, muggings and rapes combined.

Each year, between 2 million and 4 million women are battered, and 2,000 of those women will die from their injuries. Nearly one-third of American women will experience intimate partner violence in their lifetime.

We can no longer afford to ignore this issue. This year is especially important because 2005 marks the tenth anniversary of the Violence Against Women Act. Later this year, VAWA will come up for reauthorization. I urge my colleagues to do their part to support VAWA and support the efforts of women's advocates and to end the cycle of violence.

STRENGTHENING HEMOPHILIA RESEARCH

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

Mr. PRICE of Georgia. Mr. Speaker, as a physician and an orthopedic surgeon for over 20 years, I have seen hemophilia countless times. What is hemophilia? It is a hereditary disease which makes it so blood does not clot. Small wounds and punctures are usually not a problem, but larger wounds or uncontrolled internal bleeding can result in pain, swelling, permanent damage or even death.

The CDC has a program, Prevention's Hereditary Blood Disorders. And it serves as the frontline for treatment for bleeding and clotting disorders with a national network of over 140 hemophilia treatment centers.

Study after study has shown that these centers work extremely well. Mortality and morbidity rates have declined by 40 percent.

Mr. Speaker, these hemophilia treatment centers are vital for patients and for the medical community. They have a strong record of success that has a foundation of over 30 years of experience, and it continues to grow every day. We need to do everything we can to make certain that Americans continue to receive this access to quality care.

MAKING RESPONSIBLE DECISIONS REGARDING SOCIAL SECURITY

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

Mr. CHANDLER. Mr. Speaker, as many of you may know, the President is in my home State of Kentucky today talking about the need to reform Social Security. He is trying to convince Americans that the program is in crisis and that privatization is the only way to make sure Social Security remains strong.

What the President is not telling the public is that privatization may cause families all across America to lose their retirement savings on the stock market.

When I think of Social Security, I think of Samuel Insko from Lancaster, Kentucky, who voted for the President but now believes that the President has turned his back on America. He worked all his life in Kentucky until one day he was injured and could no longer work.

Social Security saved him. He says he would be homeless and broke without Social Security. Privatization would harm Samuel Insko as well as all of our children and grandchildren, who would be saddled with trillions of dollars in debt.

The President is trying to mortgage away our future by proposing a plan that would add $4.8 trillion to our national debt over the next 20 years. If we want America to remain prosperous, we need to make responsible decisions that do not tie the hands of future generations.

SAVE TERRI SCHIAVO

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

Mr. PITTS. Mr. Speaker, we live in an age where some take life for granted. Today, some would stand by and let Terri Schiavo starve to death. They do not believe her life is worth saving. But listen to a quote from her attorney who visited with her.

''When her mother was close to her, Terri's whole face lit up. She smiled. She looked directly at her mother and made all sorts of happy sounds. When her mother talked to her, Terri was quiet and obviously listening. When she stopped, Terri started vocalizing. The vocalizations seemed to be a pattern, not merely random or reflexive at all. There is definitely a pattern of Terri having a conversation with her mother as best she can manage.''

Terri Schiavo is alive. She responds to people. She breathes on her own. Her heart beats on its own. All she needs is a feeding tube.

If we allow a judge to order her to die, what are we saying about life? Those with disabilities, even severe disabilities, have a right to life, just like everyone else in this Chamber.

We need to save Terri Schiavo and pass legislation immediately to save her life.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 21

Mr. BACA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 21.

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

There was no objection.

U.S. SHOULD NOT SUPPORT HEZBOLLAH ROLE IN LEBANON

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

Mr. ENGEL. Mr. Speaker, today, on the front page of the New York Times, there is a story that says ''U.S. Called Ready to See Hezbollah in Lebanon Role. A Sharp Policy Reversal.''

The article states, ''After years of campaigning against Hezbollah, the radical Shiite Muslim party in Lebanon, as a terrorist pariah, the Bush administration is grudgingly going along with efforts by France and the UN to steer the party into the Lebanese political mainstream, administration officials say.''

Administration officials say, what a mistake. What a mistake to deal with terrorists. President Bush has repeatedly said that we should not deal with terrorists. There are no good terrorists. There are no good terrorists. All terrorists are bad. Hezbollah has American blood on its hands. It killed more than 200 U.S. Marines in Beirut in 1983 and is responsible for hundreds and hundreds of killings of Israeli citizens.

Resolution 1559 of the UN Security Council which passed a few months ago, sponsored by the U.S. and France, says that Syria should get out of Lebanon, that all militias, including Hezbollah, should be disarmed.

Why are we changing policy now? We should not deal with terrorists. We should not compromise with terrorists. Hezbollah is a terrorist organization. We are moving in this body to pass a resolution calling on the Europeans to label Hezbollah as a terrorist organization, to dry up their funds.

Terrorists should not be dealt with. The administration is making a mistake.

SPREAD OF DEMOCRACY

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

Mr. DAVIS of Kentucky. Mr. Speaker, I truly believe that the hunger for freedom is a deep yearning in the hearts of all people. Freedom from oppressive regimes, freedom from living in fear, and freedom from an invasive hatred that turns neighbor against neighbor.

We watched 8 million Iraqis risk their lives to vote for their own government, and we witnessed Palestinians choose a course of diplomacy with Israel rather than continuing a course of terror. In Lebanon, we are seeing the seeds of liberty being sown as people take to the streets seeking the power to control their own lives.

Democracies are not born overnight. For our own security and future, we must be resolved in our support for people who want a governing structure rooted in personal liberty and that compliments their own country's culture. I take heart in believing that we are pursuing the right course of action as I remember the brave faces of Iraqis smiling behind a purple finger raised in defiance of terror, oppression and hatred.

PAYING TOO MUCH INTEREST ON FEDERAL SPENDING

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

Mr. COOPER. Mr. Speaker, it is official. Last night, the House Budget Committee passed a budget which will, in a few short years, require us to spend more money on interest payments to bond holders than we spend on domestic government in the United States of America.

Let me be precise. We will be spending more on budget interest to bond holders, many of whom are foreign, than we spend on domestic nondefense discretionary spending in this country. This will happen by the year 2009.

What a tragedy. We are spending more money on bond holders than we are on our own citizens. It took 204 years to have this happen. The other party will not even allow a recorded vote on this issue so that we can see how people stand on that issue.

I urge all of my colleagues to support the Blue Dog reform package. It is tough against the deficit. To some of our Republican friends, if you want to reduce these deficits, get on that bill.

WORKFORCE ESSENTIALS

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

Mrs. BLACKBURN. Mr. Speaker, today, I rise to recognize and congratulate Workforce Essentials in Clarksville, Tennessee, for its innovation and its attentiveness to the needs of the area it serves.

In Clarksville, we have a great program that is in place. It is an initiative called an Army of One Plus One. The program is attuned to the needs of the areas veterans, military spouses and retirees. Their good work was recognized last Friday night by the National Association of Work Force Partnerships as this year's recipient of the Theodore E. Small award, which recognizes the successful implementation of the program, which is a partnership with the 101st Airborne at Ft. Campbell and alongside the Tennessee Department of Labor, the U.S. Department of Labor, and the U.S. Department of Defense by identifying the military as a primary sector of the workforce. The spouses of soldiers, the veterans and the entire community have benefitted from this partnership.

The CEO of Workforce Essentials, Ross Jackson and his great team plus the outstanding team at Ft. Campbell, led by General Turner and Colonel Ruggley, are to be commended for providing their great work.

DOMESTIC VIOLENCE

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

Mrs. CAPPS. Mr. Speaker, I rise today to recognize Lifetime's Stop the Violence Week and highlight the epidemic of domestic violence in our Nation; 85 percent of the victims are women. But only half of them report an injury. And of these, only a few percent even seek out medical assistance.

Domestic violence is a serious health concern but for too long has been treated solely as a criminal issue. So I will soon reintroduce the Domestic Violence Screening Treatment and Prevention Act. This bill would train health professionals to assess victims for signs of abuse and prepare them for intervention if needed.

Routine screening by a physician or a nurse could unlock options for thousands of women. Mr. Speaker, Congress must ensure domestic violence screening is common medical practice, in every doctor's office in every State.

Routine screening will enable early detection of domestic violence before it becomes life threatening. So I urge my colleagues not to ignore this nationwide epidemic. And let us work hard to institute a public health protocol for addressing this major epidemic in our society today.

SOCIAL SECURITY AND THE REPUBLICAN BUDGET

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

Ms. WATSON. Mr. Speaker, on every issue our Nation faces it is our responsibility to ensure that the policies we pursue are consistent with the values that we cherish. The Bush Administration's 2006 budget fails in every respect. It is fiscally reckless, adding trillions of dollars to the deficit over the next 10 years.

It is morally irresponsible in funding for key homeland security, veterans benefits, health care and educational programs. And despite the fact that the President has called privatizing Social Security his top domestic priority this year, his budget includes no details on this plan.

Mr. Speaker, this money that it is going to take to institute his plan

could be money going to education, going to health care, going to address the infrastructure of our Nation.

So the President's plan clearly needs help. And his failure to provide a clear and honest accounting of the difficult tradeoffs between increases in debt, benefits cuts and tax increases shows a failure in leadership.

□ 1100

DENOUNCING VIOLENCE AGAINST WOMEN AND SUPPORTING VITAL SOCIAL SECURITY BENEFITS FOR WOMEN

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rose earlier this week to again join with my colleagues to announce our mutual stand against violence against women. Sexual assault, violence against women takes away their dignity and their human dignity; and all of us demand that kind of respect.

So as I stand here today, I ask America as well to recognize the negative impact that the present posture on Social Security will have on America's women. Because many of them are head of household, many of them demand and depend upon the requirement or the retirement benefits that come through the Social Security program. Social Security privatization, as planned now, will cost more than $4 trillion in the first 20 years, according to independent experts. There is no mention of such cost in the pending budget.

The Republican plan undermines retirement security for all Americans by cutting guaranteed benefits by more than 40 percent. In fact, the average retiree would lose $152,000 in benefits under the privatization plan. Women benefit from the survivors benefit, but many times they have lost their spouse.

Let us not take away the human dignity from American women. Let us stand against violence and stand for the sovereignty of Social Security.

CORPORATE TAX CUTS AND LAYOFFS

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

Mr. EMANUEL. Mr. Speaker, we are now running structural deficits on average of a little over $400 billion a year. In 4 short years, we have added $2 trillion to the Nation's debt and have a continuing plan to do that.

How did we get here? Partly as a result of last year's corporate tax cut bill which spent $150 billion on an $8 billion problem. Today's Wall Street Journal reports how this legislation has led to greater job loss. That is an interesting economic strategy, given it intended to create jobs.

For instance, Colgate-Palmolive said that while the corporate tax bill will allow it to repatriate half a billion dollars in profits, the company will actually shut down a third of its factories and lay off 4,400 employees.

Sun Microsystems, $1 billion in new profits during the so-called corporate tax ''holiday,'' will be repatriated, but plans to lay off 3,600 employees.

DuPont Photomasks is repatriating $24 million, but laying off 100 employees, while expanding its Singapore factory at the same time.

While the corporate suites enjoy the fruits of this tax cut, Americans are left with less jobs and more of a burden for the Nation's debt: $30,000 for every man, woman, and child.

Mr. Speaker, thanks to the corporate tax cut bill, we can expect that share of the debt to keep growing for Americans.

PRESIDENT'S SOCIAL SECURITY PRIVATIZATION PLAN UNDERMINES RETIREES' NEST EGGS

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

Mr. GEORGE MILLER of California. Mr. Speaker, today we are reminded in the press that it is 5 years since the bubble burst on the NASDAQ stock market. It has been 5 years; and those people who invested in that market, in those index funds, have recovered 60 percent, or is still 60 percent below where it was in 2000.

For those people who thought they are going to retire on their 401(k)s who were invested in the market at that point, we have all heard the stories when we return to our districts that their spouses are going to continue to work, that they are going to postpone for a year; they are not going to be able to retire like they thought they were.

This does not mean we should not invest in the market; it simply means we should not take $15 trillion out of Social Security and undermine the guarantee that it provides to those workers, those very same workers, in many instances, who, in their corporate 401(k)s have lost almost 40 percent, if they stayed there today, of their retirement nest egg. That nest egg ought to be preserved, and the President should not be allowed to undermine that nest egg by taking $15 trillion out of Social Security.

KEEPING SOCIAL SECURITY SECURE FOR THE FUTURE

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

Mr. PALLONE. Mr. Speaker, President Bush and congressional Republicans have yet to offer a plan that makes Social Security solvent beyond the year 2052. As far as I am concerned, until the Bush administration takes its privatization plan off the table, we cannot work together to address Social Security solvency.

Even one of our Republican colleagues, Senator LINDSEY GRAHAM, has admitted that privatization is not a plan that will fix Social Security. On Tuesday he said, ''We now have this huge fight over a sideshow. It has always been a sideshow, but we sold it as the main event.'' That is a Republican Senator calling the President's plan a sideshow.

Mr. Speaker, it is a sideshow because it does nothing to strengthen Social Security. Democrats are willing to work with Republicans to extend solvency beyond 2052, but we cannot do that until Republicans are serious about extending solvency and rejecting privatization.

Democrats want to keep Social Security secure for the future. When that is the Republican goal, we can finally begin to work together in a bipartisan fashion.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 144 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 144

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. No further general debate (except for the final period contemplated in House Resolution 140) shall be in order. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of the final period of debate, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I

may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Wednesday, the Committee on Rules met and granted a structured rule for further consideration of H.R. 3, the Transportation Equity Act: A Legacy For Users, more commonly referred to as TEA–LU. This rule provides for no further general debate, except for the final period of 10 minutes contemplated in the House Resolution 140. Finally, the rule makes in order the 12 amendments printed in the Committee on Rules report and provides for one motion to recommit, with or without instructions. Mr. Speaker, the rule we have before us is a fair rule, and I believe all Members should be able to support it.

Mr. Speaker, since October 1, 2003, Federal surface transportation programs have been forced to operate on a basis of a short-term extension. We are approaching the end of the most recent extension, which will expire on May 31, 2005. Our Nation's highways desperately need the assurance and stability of a 5-year reauthorization provided by H.R. 3.

As a former member of the House Committee on Transportation and Infrastructure, I can appreciate the incredible bipartisan effort that has gone into writing this legislation. I would like to applaud the efforts of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Ranking Member OBERSTAR) for bringing this legislation to the floor in an expedient and bipartisan manner.

I look forward to the passage of this bill and hope that our colleagues in the other body will take swift action.

The highway bill is a vitally important investment in our Nation's surface transportation system and fosters job growth across the country. In fact, it is estimated that for every $1 trillion in highway funding, 47,500 jobs are created. The highway bill provides $284 billion in funding for vital programs that will impact citizens across the States, improving safety and accessibility.

In my district, the highway bill represents the strongest step forward ever to replace U.S. Route 35, a 2-lane death trap through West Virginia's Mason and Putnam counties. U.S. Route 35 is dominated by tractor trailers and tanker trucks traveling south from Ohio and north from Interstate 64 in Charleston. Far too often, the high volume of traffic swallows up local commuters, resulting in tragic motorist fatalities.

With the passage of the highway bill, construction of a new 4-lane appropriate to meet the demand will be built, diverting traffic around dozens of residential neighborhoods. Mr. Speaker, this is just one example from my home district, and there are countless others from across the country.

Mr. Speaker, I am a strong supporter of this legislation, which provides for countless improvements in the Nation's surface transportation system. The numerous projects and programs authorized by this bill will improve our highway systems and the ability of our constituents to travel from State to State. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I am supporting this rule, despite the fact that it does restrict the amendment process; and while an open rule is generally preferable, this rule does allow the House to consider and vote on some important amendments, especially the Pascrell-Menendez-LoBiondo anti-corruption amendment.

The first rule provided for general debate on H.R. 3 and made in order nine Republican amendments, and one that was bipartisan. This rule makes in order 10 Republican amendments, including a manager's amendment by the gentleman from Alaska (Chairman YOUNG) that was drafted in consultation with the Committee on Transportation and Infrastructure Democrats and is supported by the gentleman from Minnesota (Ranking Member OBERSTAR).

I want to again applaud the Committee on Transportation and Infrastructure for working together in a truly bipartisan fashion in drafting our Nation's massive highway and transit authorization legislation.

Mr. Speaker, H.R. 3 is an all-too-rare example of bipartisanship in this body. Negotiations were undertaken, compromises were made on both sides, and the diverse transportation needs of all regions of the Nation were carefully considered. The final product truly represented the priorities of all sides involved, regardless of political affiliation. The American people have been well-served by the process, and that is what they deserve.

The rule also makes in order two of the five Democratic amendments that were submitted to the Committee on Rules. The first one is by the gentleman from California (Mr. HONDA) and would allow basic grant funds to be used for DWI courts seeking to change the behavior of alcohol or drug-dependent offenders arrested while driving or while impaired.

I am particularly pleased that the second Democratic amendment, the anti-graft and anti-corruption amendment by the gentlemen from New Jersey (Mr. PASCRELL), (Mr. MENENDEZ) and (Mr. LOBIONDO), is included in this rule. Their vital amendment will allow States to enact anti-corruption laws, curbing the practice of pay-to-play contracting, without losing their Federal aid highway dollars. These laws are critical to help stop the threat of real and apparent corruption resulting from large political contributions from contractors to influence the awarding of public contracts.

As ludicrous as it seems, the Federal Highway Administration last year ruled that a State of New Jersey executive order limiting the size of political contributions from government contractors to State candidates violated Federal competitive bidding requirements. Had New Jersey not suspended this portion of the executive order, that State would have lost its Federal highway funding. So unless this amendment is adopted, States will not be able to stop contractors from contributing to the campaigns of those who may ultimately award these contracts.

I cannot imagine why anyone in this House would want such seemingly unethical activity to continue. Ethics and integrity are among the most cherished of American values. We, the representatives of the people, have a responsibility to lead by example. I fully support the Pascrell-Menendez-LoBiondo amendment and challenge my colleagues, Republican and Democrat alike, to join with me in taking a stand for ethics. Highway contractors in America should not have to bribe their way to win Federal contracts. We have the power and the responsibility to end this today. Vote for this amendment.

Once again, Mr. Speaker, I want to make it clear that I support H.R. 3 to reauthorize our Nation's transportation programs. The Committee on Transportation and Infrastructure has put together a fair, bipartisan bill that will improve our Nation's highways and transit systems.

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

Mrs. CAPITO. Mr. Speaker, it is my honor to yield such time as he may consume to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentlewoman being so generous with the time available. It is a great privilege to work with the Committee on Rules on this very important issue that we have been trying to finalize here in the House for a couple of years.

□ 1115

I rise in very strong support of H.R. 39, Transportation Equity Act: A Legacy For Users, known as TEA–LU. I want to commend the gentleman from Alaska (Mr. YOUNG) and his ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for the effort they put into this package. It is a bill that reflects much of the balance of the needs of the Members of the House.

As the gentleman from Alaska (Mr. YOUNG) will recall, I have spent a lot of time working with Members of this

committee from the first day I walked into the Congress. Years ago, my first committee assignment was to the Committee on Public Works, which is the heart of this work itself. The chairman believes that a key to a successful 6-year transportation bill involves the revenue of the bill itself.

Indeed, I understand that the chairman has worked rather intently to find mechanisms whereby we can be assured that enough money is available to meet the many demands across the country, including such things as indexing the gas tax, a proposal that I myself was involved in many years ago in the State legislature.

It is a fact that the demands for transportation systems that work are a primary national concern. The major lacking regarding that is money availability. So I am very much appreciative of the chairman's difficulties. I appreciate the gentleman from Alaska's (Mr. YOUNG) efforts to meet the enormous demands from the Members across the country. My colleague from West Virginia (Mrs. CAPITO) mentioned an item, a highway transportation item, that is very critical to her constituency, the people of West Virginia. That can be replicated across the country. Almost every district faces these challenges.

I do, as I speak to the challenge, express also some concern about the guarantee within this bill that essentially would suggest where we fall short of money under current circumstances, additional funding will come by way, or likely come by way, of the general funds.

As all of the Members know, we are working intently this year to move our appropriations bills ahead of schedule and indeed under budget. As we go about that, there are a lot of pressures on our dollar availability as relates to the general fund.

So I really rise to express concern about things like the following: The funding floors mandated in TEA–LU would require discretionary appropriations of about $1.7 billion from the general fund for 2006. Because those funds remain short, obviously, such a conflict will create difficulty in moving forward with the regular appropriations process.

In addition to the mass transit difficulty that is obvious to anybody who will but look, the highway category of TEA–LU guarantees $37.4 billion in highway budget resources. This is $1.6 billion over the President's request of $35.9 billion. As you can see, we have great difficulty moving our way through this process and making sense out of the budget, too. It is my intention to work very closely with the chairman and the ranking member to make sure that these challenges are handled in a way that meets all of our needs.

In turn, I look forward to working with members of the committee and the House to try to be responsive to challenges they face relative to transportation as well.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in support of the rule and want to thank my colleagues on the Committee on Rules for placing in order the Pascrell/Menendez/LoBiondo amendment which would protect New Jersey's ability to combat the influence money plays in the contracting process and also to reaffirm States' rights. As far as I am concerned, this is also a States' rights issue and the ability of States to pass legislation that would deal with the corruption issues.

I think you should know, Mr. Speaker, that the buzz word in our State these days in New Jersey is ''pay to play.'' Pay to play simply means awarding lucrative government contracts to those who have given large political contributions. Unfortunately, it has become almost a way of life that people get contracts by giving large campaign contributions to politicians.

I do not have to tell anyone here why that becomes a problem. It does not basically allow the best contract to go forward, the most efficient, the lowest bid, the one that is in the best interest of the public.

It also wastes tax dollars. There have been numerous reports in the media in New Jersey about how tax dollars are wasted essentially when pay to play is in effect because it means that money that could have been perhaps used better for other educational or other government functions is, in effect, wasted in the pay to play process.

So what has happened in New Jersey is that New Jersey has been seeking a way to essentially eliminate pay to play.

Shortly before his resignation, our former governor Jim McGreevy, issued an executive order banning pay to play and his successor Governor Dick Cody has worked with the legislature to make the ban a permanent law. Again, this would be a vital step towards cleaning up the influence money plays in the contracting process in New Jersey. The problem though is that the rigid contracting rules of the Federal Government are putting a serious crimp on our State's attempts to foster good government.

The Federal Highway Administration requires that all contracts go to the lowest bidder, and they have said that the New Jersey pay to play ban would violate that rule. I know that the gentleman from Massachusetts (Mr. MCGOVERN) on the Committee on Rules explained that that is patently absurd. There is no reason why the Federal Government should block a State's ability to combat political influence, in this case, potentially withholding $1 billion in transportation funding that is critical to our Nation's most densely populated State.

I have always had an opinion from a State's rights point of view that, if a State wants to go further, in this case, our State trying to go further to eliminate corruption and the potential for political influence, there is no reason why the Federal Government should stand in the way of that. That does not make any sense.

I should also tell my colleagues that, before you think that the New Jersey delegation is just doing this as a parochial issue on the highway bill, you should look to your own State. The Highway Administration's rules could potentially block similar efforts pending in Connecticut and could effect existing anti-corruption laws in Kentucky, South Carolina, Ohio and West Virginia. This is not a New Jersey specific problem. This is something that the Highway Administration could potentially block in a number of other States.

So I think, for all these reasons, this amendment makes sense. Again, I want to thank the Committee on Rules for putting the amendment in order. I want to thank particularly my colleagues, the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from New Jersey (Mr. LOBIONDO) for sponsoring this amendment. But I should say, every one of the Members of the New Jersey delegation on a bipartisan basis does support this and is joining us in our effort to preserve States' rights and stand up for good government.

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

Mr. MCGOVERN. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the Chair of our Democratic Caucus.

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

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

Mr. Speaker, I rise today in support of the rule and the transportation bill that our distinguished committee leadership worked for so long and so hard to bring to the Floor this week. I commend them on a tremendous job in crafting a bill that works within such title fiscal constraints, yet still manages to focus on so many of our transportation priorities. I want to particularly thank the Committee on Rules for making the Pascrell/Menendez/LoBiondo pay to play reform amendment in order.

I appreciate the hard work of the distinguished ranking member, the gentlewoman from New York (Ms. SLAUGHTER), who has been a strong supporter of our amendment. I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for his strong comments in support of the amendment as well.

Like many here, I had hoped that there would be a lot more money in this bill. As a member of the Committee on Transportation and Infrastructure, I know how important transportation investment is for the good of the Nation as a whole. As the representative of the 13th District of New

Jersey, which is densely packed with almost every transportation mode imaginable, I know firsthand how important this investment is for the well-being of the people in our community because transportation is more than about getting from one place to another.

The money we spend in this bill will create jobs, stimulate new businesses, revitalize neighborhoods, reduce congestion, clean our air and make us more secure. That is why I am disappointed that we have been forced to adhere to an unnecessary low level of funding the administration has forced upon us.

Those of us in the New Jersey-New York metropolitan area learned on September 11 how important it is to have a multiplicity of transportation modes. When the bridges and tunnels out of Manhattan were closed, it was ferries that allowed people to evacuate the city to New Jersey. When the airports were closed, it was rail service that allowed people to travel across the country. September 11 showed us that the national security value of making a strong investment in multiple modes of transportation is necessary.

Those of us from New Jersey know particularly well how desperately we need the money in this bill. We are the most densely populated State in the Nation with very old highways that are desperately in need of repair; 71 percent of our major roads are in either poor or mediocre condition. Over 36 percent of our highway bridges are either structurally deficient or functionally obsolete, far above the national average. And despite being the fifth smallest State, we are the 11th most traveled on our highways.

These miles take a toll on our environment. Every county in the State has unhealthy levels of ozone, and over half of the counties have dangerous levels of airborne soot. By providing enhanced funding for public transportation and other pollution control measures, this bill will help to clean our air.

One of the other problems we have in New Jersey is with pay to play. That is a process by which contributions, often very large contributions, are offered to politicians and State officials with the hope of being able to gain a government contract. It is in my mind a very corrupting practice and severely undermines the trust and credibility of the government.

What my colleagues and I from New Jersey are trying to do is change the nature of that process. Now, this is not merely an issue for New Jersey. This is an issue for any State that hopes it can strike a blow for clean government by limiting such a corrupting influence. And the issue is simply about the right of any State, of any State, to take the steps it needs to maintain the trust of its people. Nothing in what we are trying to do would force any State to enact a pay to play reform law. Nothing in our amendment would alter the competitive bidding process one bit.

The amendment strictly conforms to the ideals behind the current Federal highway contracting statute which is to ensure fairness and integrity in the awarding of public contracts.

I for one am surprised that we even need this amendment at all. For 50 years, Section 441(c) of Title 2 in the U.S. Code has banned political contributions from Federal contractors. The Federal government clearly recognizes the corrupting influence of pay to play and has taken steps to control it, steps that the Federal Highway Administration now says that New Jersey is not allowed to take on its own.

Clearly, the Federal Government recognizes that there are situations where merely looking for the lowest bidder is not the best way to serve the public interest.

The Securities and Exchange Commission has also enacted its own pay to play protection regulation, Rule G-37, which is even stronger than the Federal statute in Section 441. Brokers and municipal security dealers are forbidden from making political contributions to any official who issues municipal securities for 2 years before any business can be transacted. The rule was challenged and upheld in Federal court. Clearly, the SEC recognized and the courts agreed that restricting campaign contributions by people who are looking to do business with government is in the public interest and helps maintain the public trust.

I have heard some arguments that the problem with this amendment is that it would open the flood gates. Once we add a restriction about campaign contributions to highway contracting, this argument goes, we will not know where to stop. I strongly disagree.

First of all, New Jersey's Pay to Play Reform Act is not a highway issue. It only became one when the Federal Highway Administration, which is apparently not very concerned with Section 441 of the Federal law, decided to make it one by withholding New Jersey's highway financing.

Second, we already put a number of restrictions on highway contracting and procurement in Federal law. We give, for example, priority to minority-owned businesses, veteran-owned businesses, women-owned businesses, businesses owned by Native Americans or the disabled. We do these things because they are right to do and because they serve a social good. Limiting campaign contributions by prospective contractors is also a social good. It preserves the integrity of the government. It preserves the trust of the public in the contracting process. And it will very likely save the government money by lowering the cost of contracts.

Mr. Speaker, this amendment is simple. It is straightforward, and it is fair. It is also bipartisan and supported by a broad range of good government groups, such as Common Cause, the Center of Civic Responsibility, and Democracy 21.

I urge my colleagues, when it comes time, to pass the Pascrell/Menendez/LoBiondo amendments and the underlying bill so we can protect the rights of the States and allow them to combat corruption as they see fit. This will apply only to those States that, number one, choose to have such legislation for their States, and it will only apply to office holders in their States of a State nature.

I do not think the Federal Government should be telling the States that they cannot do that to preserve the trust and integrity of the contracting process in their States.

Mr. Speaker, I thank the gentleman for his gracious amount of time.

□ 1130

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Massachusetts, for yielding me time; and I rise in strong support of the amendment offered by the gentlemen from New Jersey (Mr. PASCRELL), (Mr. MENENDEZ), and (Mr. LOBIONDO). The gentleman from New Jersey (Mr. MENENDEZ) and before him my other colleagues from Massachusetts have stated, I think clearly, what is at stake here.

New Jerseyans were surprised to learn that the Federal Highway Administration recently withheld $260 million in highway funds because New Jersey had taken the very important step, I think the landmark step, to protect the integrity of contracts. Pay-to-play had become something that clearly had to be stopped, and the effort to bring integrity in public contracts by limiting political contributions is something that New Jersey is not only within its rights to do, but is something that should serve as a model for the Nation.

New Jerseyans were surprised to find that the highway administration ruled that New Jersey could not do that or else they would take the highway funds away.

This amendment would clarify the propriety of New Jersey's action. It would preserve the ability of States to protect the integrity of public contracts, and it is not just New Jersey. As the gentlewoman has heard, it would be, I think, to the benefit of West Virginia and a number of other States.

There are plenty of precedents, as the gentleman from New Jersey (Mr. MENENDEZ) has pointed out, to support the adoption of this amendment. The SEC, the Securities and Exchange Commission, currently has what we call a pay-to-play ban in place prohibiting contribution by bond traders, and that has been upheld in the courts.

So this amendment makes sense. It is entirely proper. It would benefit many States, and it would make clear that it is not the role of the Federal Highway Administration to decide what is and what is not ethical political procedure.

Furthermore, as my colleague, the gentleman from New Jersey (Mr. MENENDEZ), has pointed out, this would probably save money. There is too much money allocated in contracts for reasons that are not based entirely on cost and efficiency.

So I strongly urge the support of the Pascrell-Menendez-LoBiondo amendment.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, in a letter that went from Suzanne Novak on behalf of the Brennan Center for Justice at NYU to the gentleman from Alaska (Mr. YOUNG), the honorary chairman of the Committee on Transportation and Infrastructure, and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, she wrote in that letter in support of the Federal Government supporting States and being very specific about the bidding laws in contracting to respond to the collusion or the possibilities of collusion that have existed, I can assure my colleagues, not only in the State of New Jersey.

She wrote this: ''Several recent scandals regarding government contracting in New Jersey prompted New Jersey to establish a criterion of responsibility for government contracting which prohibited the State from contracting with an entity that has contributed to a candidate for or holder of the office of Governor, or to any State or county political party committee, within certain time frames. The executive ''order of the Governor'' ''explicitly stated that 'the growing infusion of funds donated by business entities into the political process at all level of government has generated widespread cynicism among the public that special interest groups are ''buying'' favors from elected officeholders.' ''

Mr. Speaker, the courts have recognized that contributions from government contractors present a severe risk of engendering corruption, the appearance of corruption and, thus, have generally upheld pay-to-play contribution bans, and this is what this amendment is all about. It is a bipartisan amendment to reform government, to help government clean up its act. We have similar laws on the Federal books about contracting and bidding. We want to remove cynicism from the public about when the government does business that there is proper conditions that will be implemented to make sure that it is done according to the law.

Blount v. the SEC was a perfect example. The Securities and Exchange Commission made it very clear that if you were going to do some bonding work, that if you give a political contribution to the entity beforehand, that is rather suspect. So let us remove that possibility. There is no doubt, if we do not allow the States to do what the Federal Government has on the books, how are we going to justify that?

This is a win-win situation. Neither party is the source of corruption and neither party is privy to virtue; let us accept that. Let us also accept that this is a bipartisan amendment, introduced in good faith, so that each of the parties, if you will, look good. Not only talk the talk but take that extra step to clean up their own acts. How can we in this House not permit or allow each of the States to provide for cleaner governments?

This is reality. The Federal law, the court cases have backed up this effort. There is no reason under the sun. This is bipartisan. It will help both parties and it will reduce the cynicism that exists in many, many areas of the public.

So, Mr. Speaker, this great H.R. 3, the Transportation Equity Act, we have worked on it a long time. I have saluted both the Chair, as well as the ranking member. I have not heard one cogent argument as to why we should not pass and allow States to reform their own act and clean up their own acts.

One criticism I heard is that this is going to open up a Pandora's box. The Federal Government has rules on the books already. Are we going to tell the Federal Government, you have opened up a Pandora's box because you are trying to implement clean-government rules? That is absurd. Give me one legal reason why this amendment should not only be in order, which it is, but it should not be both sides of the aisle supportive. Give me one good legal reason.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and we have no further requests for time.

So let me just again say that while I wish the funding level of this bill were higher, TEA–LU is a good bill. It is a tribute to the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Ranking Member OBERSTAR). I urge my colleagues to support it. We also will support the rule.

Mr. Speaker, I yield back my time.

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

I would like to thank my colleague, the gentleman from Massachusetts, and I would like to reiterate as well that this legislation is crucial to the continued growth of our economy. We are creating jobs and improving the ability of current workers to commute to their places of employment, among a myriad of other transportation issues.

I look forward to the strong bipartisan support of this legislation. I urge a ''yes'' vote on the rule and the underlying legislation.

Mr. ANDREWS. Mr. Speaker, I would like to take this opportunity to express my support for the rule, H. Res. 144, to the TEA–LU, H.R. 3, bill, which makes in order the Pascrell/Menendez/LoBiondo Pay-to-Play amendment. The consideration of this amendment is crucial to restoring the integrity of New Jersey's government and to protecting federal funds allocated to the State.

New Jersey government and politics are long overdue for a cleansing. For too long, New Jersey taxpayers have paid a corruption tax—the cost of decisions made to benefit campaign donors rather than taxpayers. At the present time, the New Jersey legislature is attempting to restore its integrity by barring companies, who have made political contributions to a state government or political party official, from receiving state contracts worth more than $17,500. This is a critical component of the State's reform package and must be enacted and maintained for genuine change to occur in New Jersey.

Standing in the way of New Jersey's cleansing is the US Department of Transportation, USDOT, who has cited concerns that our State's pay-to-play reform would illegally stifle competition for government contracts. New Jersey has challenged the USDOT's decision in the court. Currently, the case is pending.

To weed out the corruption that has plagued our State and resulted in our citizens mistrust of their government, the Pascrell/Menendez/LoBiondo amendment is essential. Consideration and subsequently the passage of this amendment are imperative for New Jersey to attain real ethical reform.

Again, I commend the Rules Committee for declaring the Pascrell/Menendez/LoBiondo Pay-to-Play amendment in order today and urge its adoption.

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

The previous question was ordered.

The resolution was agreed to.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 144 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3.

□ 1140

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. BASS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 9, 2005, all amendments pursuant to House Resolution 140 had been disposed of.

Pursuant to House Resolution 144, no further general debate, except for the final period contemplated in House Resolution 140, is in order.

Pursuant to House Resolution 144, no further amendment to the bill, as amended, shall be in order except those printed in House Report 109–15. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in

the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 109–15.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

In item number 1176 of such table contained in section 1702, strike ''$10,000,000'' and insert ''$4,000,000''.

In item number 2455 of such table, strike ''$3,000,000'' and insert ''$2,000,000''.

In item number 852 of such table, strike ''$750,000'' and insert ''$500,000''.

In item number 865 of such table, strike ''$9,750,000'' and insert ''$7,500,000''.

In item number 1222 of such table, strike ''$2,000,000'' and insert ''$1,000,000''.

In item number 497 of such table, strike ''$2,000,000'' and insert ''$1,000,000''.

In item number 2083 of such table, strike ''$6,500,000'' and insert ''$6,000,000.''

In item number 1041 of such table, strike ''$2,500,000'' and insert ''$2,000,000''.

In item number 1048 of such table, strike ''$3,900,000'' and insert ''$3,000,000''.

In item number 2737 of such table, strike ''$400,000'' and insert ''$100,000''.

In item number 3236 of such table, strike ''$400,000'' and insert ''$100,000''.

In item number 2250 of such table, strike ''$5,000,000'' and insert ''$4,000,000''.

In item number 2336 of such table, strike ''$21,350,000'' and insert ''$20,000,000''.

In item number 419 of such table, strike ''$21,400,000'' and insert ''$18,400,000''.

In item number 2938 of such table, strike ''$610,000'' and insert ''$360,000''.

In item number 749 of such table, strike ''$500,000'' and insert ''$540,000''.

In item number 1211 of such table, strike ''$700,000'' and insert ''$1,100,000''.

In item number 2463 of such table, strike ''$500,000'' and insert ''$1,010,000''.

In item number 2930 of such table, strike ''$300,000'' and insert ''$350,000''.

In item number 2954 of such table, strike ''$8,000,000'' and insert ''$9,000,000''.

In item number 3196 of such table, strike ''lande'' and insert ''lane'' and strike ''5,000,000'' and insert ''14,000,000''.

In item number 3012 of such table, strike ''$2,500,000'' and insert ''$3,000,000''.

In item number 1175 of such table, strike ''$6,000,000'' and insert ''$6,500,000''.

In item number 3259 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item number 1530 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 1948 of such table, strike ''$555,000'' and insert ''$1,055,000''.

In item number 2809 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 3065 of such table, strike ''$555,000'' and insert ''$1,055,000''.

In item number 3276 of such table, strike ''$10,000,000'' and insert ''$11,000,000''.

In item number 1010 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 549 of such table, strike ''$1,000,000'' and insert ''$1,010,000''.

In item number 1552 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 1258 of such table, strike ''$2,500,000'' insert ''$3,450,000''.

In item number 1926 of such table, strike ''$12,500,000'' insert ''$15,000,000''.

In item number 2016 of such table, strike ''$3,000,000'' insert ''$4,500,000''.

In item number 3107 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1331 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 665 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 1121 of such table, strike ''$5,000,000'' insert ''$6,000,000''.

In item number 3303 of such table, strike ''$5,000,000'' insert ''$6,000,000''.

In item number 347 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1123 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 256 of such table, strike ''12,500,000'' and insert ''$27,000,000''.

In item number 1935 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 2190 of such table, strike ''$500,000'' and insert ''$1,500,000''.

In item number 1013 of such table, strike ''$7,000,000'' and insert ''$8,000,000''.

In item number 1471 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 619 of such table, strike ''$1,000,000'' and insert ''$1,125,000''.

In item number 2416 of such table, strike ''$750,000'' and insert ''$1,000,000''.

In item number 2936 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 353 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 661 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 581 of such table, strike ''$7,000,000'' and insert ''$7,200,000''.

In item number 2714 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1225 of such table, strike ''Croos Creek Boulevard Widening'' and insert ''Cross Creek Boulevard Widening'' and strike ''$1,000,000'' and insert ''$1,800,000''.

In item number 2558 of such table, strike ''$3,000,000'' and insert ''$6,000,000''.

In item number 2423 of such table, strike ''$3,000,000'' and insert ''$6,000,000''.

In item number 538 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 734 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 3031 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 1002 of such table, strike ''$4,000,000'' and insert ''$4,500,000''.

In item number 2428 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 3261 of such table, strike ''$1,250,000'' and insert ''$1,750,000''.

In item number 1537 of such table, strike the project description and insert ''Construct a four lane connection between Rt. 13 and Rt. 45 and upgrades to Netty Green Road in Saline Co Illinois'' and strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1779 of such table, strike the project description and insert ''Construction of part of a 230 mile corridor US 67 near Jerseyville and Carrolton, Illinois''.

In item number 1066 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 767 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 1725 of such table, strike ''$750,000'' and insert ''$2,500,000''.

In item number 1427 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1380 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1062 of such table, strike ''$2,600,000'' and insert ''$3,600,000''.

In item number 3195 of such table, strike ''$11,000,000'' and insert ''$12,000,000''.

In item number 329 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 3003 of such table, strike ''$4,000,000'' and insert ''$9,000,000''.

In item number 2108 of such table, strike ''$4,000,000'' and insert ''$9,000,000''.

In item number 835 of such table, strike ''$5,000,000'' and insert ''$5,700,000''.

In item number 3114 of such table, strike ''$5,450,000'' and insert ''$6,150,000''.

In item number 2668 of such table, strike ''$2,000,000'' and insert ''$2,600,000''.

In item number 3206 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item number 2233 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 177 of such table, strike ''Construction of Valleydale Road Flyover, Widening and Improvements'' and insert ''Construction of Valeydale Road Flyover and widening and improvements from US 31 to I–65 (Shelby County Rd 17 '' and strike ''$5,000,000'' and insert ''$6,000,000''.

In item number 940 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item number 2887 of such table, strike ''$200,000'' and insert ''$250,000''.

In item number 2323 of such table, strike ''$100,000'' and insert ''$150,000''.

In item number 827 of such table, strike ''$100,000'' and insert ''$300,000''.

In item number 2593 of such table, strike ''$100,000'' and insert ''$200,000''.

In item number 2395 of such table, strike ''$100,000'' and insert ''$500,000''.

In item number 2541 of such table, strike ''$100,000'' and insert ''$500,000''.

In item number 1572 of such table, strike ''$1,000,000'' and insert ''$700,000''.

In item number 2608 of such table, strike the project description and insert ''CR 52 from US 31 (Pelham) and continuation of CR 52 in Jefferson County, known as Morgan Road, to I–459, including proposed Highway 261 bypass around old town Helena'' and strike ''$15,000,000'' and insert ''$10,000,000''.

In item number 1787 of such table, strike ''LA'' and insert ''AL'', strike the project description and insert ''Birmingham Northern Beltline'', and strike ''$800,000'' and insert ''$10,000,000''.

In item number 2943 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 2623 of such table, strike ''$5,000,000'' and insert ''$5,500,000''.

In item number 1621 of such table, strike ''$2,500,000'' and insert ''$3,400,000''.

In item number 1098 of such table, strike ''$900,000'' and insert ''$2,000,000''.

In item number 3272 of such table, strike ''14,000,000'' and insert ''20,000,000''.

In item number 1174 of such table, strike ''$3,000,000'' and insert ''$2,000,000''.

In item number 2534 of such table, strike ''$6,000,000'' and insert ''$5,000,000''.

In item number 2128 of such table, strike ''$14,000,000'' and insert ''$16,000,000''.

In item number 3051 of such table, strike ''$4,000,000'' and insert ''$4,500,000''.

In item number 567 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 3017 of such table, strike ''$1,100,000'' and insert ''$2,100,000''.

In item number 2735 of such table, strike ''$6,000,000'' and insert ''$7,500,000''.

In item number 572 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 663 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 2942 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 132 of such table, strike ''$2,200,000'' and insert ''$3,200,000''.

In item number 3055 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1607 of such table, strike ''$1,000,000'' insert ''$1,200,000''.

In item number 874 of such table, strike ''$1,400,000'' insert ''$2,000,000''.

In item number 986 of such table, strike ''$250,000'' insert ''$300,000''.

In item number 1739 of such table, strike ''$3,600,000'' insert ''$3,900,000''.

In item number 3234 of such table, strike ''$3,600,000'' insert ''$4,200,000''.

In item number 540 of such table, strike ''$150,000'' insert ''$275,000''.

In item number 3132 of such table, strike ''$6,200,000'' and insert ''$8,200,000''.

In item number 1094 of such table, strike ''$4,100,000'' and insert ''$6,100,000''.

In item number 49 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1506 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item number 407 of such table, strike ''$12,000,000'' and insert ''$14,000,000''.

In item number 1899 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item number 1166 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 2022 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 1061 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 2277 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item number 171 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 543 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 1944 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 2824 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 104 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 1851 of such table, strike ''$12,000,000'' and insert ''$14,000,000''.

In item number 15 of such table, strike ''$4,644,000'' and insert ''$5,000,000''.

In item number 124 of such table, strike ''$2,500,000'' and insert ''$2,900,000''.

In item number 2640 of such table, strike ''$4,856,000'' and insert ''$6,000,000''.

In item number 3074 of such table, strike ''$2,000,000'' and insert ''$2,100,000''.

In item number 1737 of such table, strike ''$9,000,000'' and insert ''$10,000,000''.

In item number 1581 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 1631 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 88 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 425 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 1223 of such table, strike ''$800,000'' and insert ''$1,600,000''.

In item number 585 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1346 of such table, strike ''$500,000'' and insert ''$750,000''.

In item number 1669 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 2224 of such table, strike ''$8,000,000'' and insert ''$11,000,000''.

In item number 702 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 636 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 807 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 1172 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 2234 of such table, strike ''$1,000,000'' and insert ''$500,000''.

In item number 3164 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 3219 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 2962 of such table, strike ''Construct'' and insert ''Design and construction''.

In item number 2469 of such table, strike ''Construction'' and insert ''Design, right of way acquisition, and construction''.

In item number 2140 of such table, strike ''$6,000,000'' and insert ''$10,000,000''.

In item number 1106 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item number 652 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 814 of such table, strike ''2,000,000'' and insert ''$3,000,000''.

In item number 2944 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item number 434 of such table, strike ''$800,000'' and insert ''$2,800,000''.

In item number 345 of such table, strike ''$4,500,000'' and insert ''$5,500,000''.

In item number 1587 of such table, strike ''$3,800,000'' and insert ''$4,300,000''.

In item number 2753 of such table, strike ''$3,000,000'' and insert ''$3,500,000''.

In item number 330 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 1255 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 1626 of such table, strike ''$6,000,000'' and insert ''$7,000,000''.

In item number 3218 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item number 1031 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item number 1242 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 403 of such table, strike ''$5,000,000'' and insert ''$9,100,000''.

In item number 903 of such table, strike ''$4,000,000'' and insert ''$13,500,000''.

In item number 1617 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 2298 of such table, strike ''$6,000,000'' and insert ''$7,000,000''.

In item number 2072 of such table, strike ''$1,500,000'' and insert ''$4,000,000''.

In item number 876 of such table, strike ''$930,000'' and insert ''$1,045,000''.

In item number 229 of such table, strike ''$930,000'' and insert ''$1,020,000''.

In item number 1584 of such table, strike ''$780,000'' and insert ''$870,000''.

In item number 280 of such table, strike ''$680,000'' and insert ''$770,000''.

In item number 1441 of such table, strike ''$2,430,000'' and insert ''$2,695,000''.

In item number 690 of such table, strike ''$430,000'' and insert ''$510,000''.

In item number 2994 of such table, strike ''$620,000'' and insert ''$695,000''.

In item number 2836 of such table, strike ''$1,000,000'' and insert ''$1,195,000''.

In item number 2575 of such table, strike ''$1,500,000'' and insert ''$2,500,000''.

In item number 1101 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 2845 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 2340 of such table, strike ''$1,500,000'' and insert ''$3,000,000''.

In item number 3203 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 786 of such table, strike ''Eliminate Highway-Railway crossing over US 14 and realignment of US 14, Des Plaines'' and insert ''Reconstruct Highway-Railway crossing over US 14 and realignment of US 14, Des Plaines''.

In item number 2813 of such table, strike ''$9,000,000'' and insert ''$15,000,000''.

In item number 1547 of such table, strike ''$30,000,000'' and insert ''$50,000,000''.

In item number 640 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 1771, of such table, strike ''For rail grade separations identified by the MPO for the Little Rock/North Little Rock metropolitan area, (which may include: Edison Ave.; Springer Blvd; Hwy 89 Extension; McCain/Fairfax; Salem Road'' and insert ''For rail grade separations identified by the MPO for the Little Rock/North Little Rock metropolitan area, (which may include: Edison Ave.; Springer Blvd; Hwy 89 Extension; McCain/Fairfax; Salem Road; J.P. Wright Loop; South Loop; Geyer Springs Rd)''.

In item number 596 of such table, strike ''Allegheny City Urban Runoff Mitigation-eliminate urban highway runoff and the discharge of culverted streams into municipal combined sewers'' and insert ''Allegheny County Urban Runoff Mitigation-eliminate urban highway runoff and the discharge of culverted streams into municipal combined sewers''.

In item number 1197 of such table, strike ''Construct Shoreline Transportation Enhancement Projects, Guilford, Branford, East Haven'' and insert ''Construct Shoreline Greenway Trail, Guilford, Branford, East Haven''.

In item number 1741 of such table, strike ''Construct 6 mainlines from east of Mercury to east of Wallisville'' and insert ''US 90—Construct 6 mainlines from east of Mercury to east of Wallisville''.

In item number 2272 of such table, strike ''Build additional staircases, landscape, and other improvements to the municipal bridge at the Holton St. Viaduct in Milwaukee'' and insert ''Build additional staircases, landscape, and other improvements to the marsupial bridge at the Holton St. Viaduct in Milwaukee''.

In item number 3037 of such table, strike ''Belle Chasse Tunnel'' and insert ''Replacement Bridge for Tunnel, Belle Chasse''.

In item number 2751 of such table, strike ''Kerner Bridge'' and insert ''Kerner Ferry Bridge, Jefferson Parish''.

In item number 2405 of such table, strike ''Acquire lands adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project'' and insert ''Acquire lands for mitigation adjacent to US 101 as part of Southern Santa Clara County Wildlife Corridor Protection and Scenic Enhancement Project'' and strike ''$250,000'' and insert ''$500,000'' .

In item number 42 of such table, strike ''Access and enhancements to access Lake Belva Deer, Sigourney'' and insert ''Access and transportation enhancements to access Lake Belva Deer, Sigourney'' and strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1429 of such table, strike ''$4,150,000'' and insert ''$4,650,000''.

In item number 1245 of such table, strike ''$1,000,000'' and insert ''$2,500,000''.

In item number 2220 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 116 of such table, strike ''NY'' and insert ''WA'' and strike ''Yonkers, New York, Trolley Bus Acquisition'' and insert ''SR 518 3rd lane construction, King County'' and strike ''$300,000'' and insert ''$2,000,000''.

In item number 2042 of such table, strike ''Construction of vessel impact protection system for TXDOT'' and insert ''Construct a bridge impact protection system for TxDOT''.

In item number 169 of such table, strike ''TX'' and insert ''AR'' and strike ''Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements'' and insert ''Conway Western Loop—for engineering, rights-of-way, relocations, and continued planning and design'' and strike ''$2,000,000'' and insert ''$500,000''.

In item number 2552 of such table, strike ''$2,000,000'' and insert ''$3,700,000''.

In item number 2947 of such table, strike ''$1,200,000'' and insert ''$1,500,000''.

In item number 261 of such table, strike ''$800,000'' and insert ''$1,600,000''.

In item number 1569 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item number 588 of such table, strike ''Harlem Hospital Parking Garage'' and insert ''Transportation parking facility serving the Harlem Hospital Complex''.

In item number 2860 of such table, strike ''Add lights to road from Halchita to Mexican Hat on Navajo Mountain'' and insert ''Add lights to road from Halchita to Mexican Hat in the Navajo Nation''.

In item number 1674 of such table, strike ''Mile 2 W from Mile 12 N to US 83, Hidalgo County'' and insert ''Reconstruct Mile 2 W from Mile 12 N to US 83, Hidalgo County''.

In item number 630 of such table, strike ''Mile 6 W from US 83 to SH 107, Hidalgo County'' and insert ''Reconstruct Mile 6 W from US 83 to SH 107, Hidalgo County''.

In item number 257 of such table, strike ''Construct transportation enhancements on greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP, in Manhattan'' and insert ''Construct greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP, in Manhattan''.

In item number 1862 of such table, strike ''Plan and construct bicycle path, esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn'' and insert ''Plan and construct greenway, bicycle path, esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn''.

In item number 523 of such table, strike ''To study, design and construct transportation enhancements on the Brooklyn Waterfront Greenway in Red Hook, Greenpoint, and the Navy Yard in Brooklyn'' and insert ''To study, design and construct the Brooklyn Waterfront Greenway in Red Hook, Greenpoint, and the Navy Yard in Brooklyn'' and strike ''$5,000,000'' and insert ''$8,250,000''.

In item number 2565 of such table, strike ''Study and Implement Enhancement to Avenue U from Mill Avenue to East 38th Street and Flatbush Avenue from Avenue T to Avenue V'' and insert ''Study and Implement Traffic and Pedestrian Safety Enhancements to Gerritsen Beach, Brooklyn''.

In item number 2315 of such table, strike ''Construction of a bicycle / pedestrian off road scenic pathway from the Niagara Falls City Line to the southerly Lewiston Town / Village Line along the Niagara Gorge, Town of Lewiston, Village of Lewi'' and insert ''Construction of a bicycle / pedestrian off road scenic pathway from the Niagara Falls City Line to the southerly Lewiston Town / Village Line along the Niagara Gorge, Town of Lewiston, Village of Lewiston, Niagara County'' and strike ''$1,250,000'' and insert ''$2,750,000''.

In item number 1144 of such table, strike ''Implement ITS system and apparatus to enhance citywide truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Eliot Ave from 6'' and insert ''Implement ITS system and apparatus to enhance citywide truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Eliot Ave from 69th Street to Woodhaven Blvd''.

In item number 2575 of such table, strike ''$1,500,000'' and insert ''$2,500,000''.

In item number 2436 of such table, strike ''For the Nanticoke City Redevelopment Authority to design, acquire land, and construct a parking garage, streetscaping enhancements, paving, lighting & safety improvements, & roadway redesign in Nanti'' and insert ''For the Nanticoke City Redevelopment Authority to design, acquire land, and construct a parking garage, streetscaping enhancements, paving, lighting and safety improvements, and roadway redesign in Nanticoke''.

In item number 128 of such table, strike ''WIDENING, CURB AND GUTTER IMPROVEMENTS AS PART OF HWY 33 REDEVELOPMENT PROJECT IN KEARNEY'' and insert ''Widening, curb and gutter improvements on Hwy 92 as part of Hwy 33 Redevleopment Project in Kearney''.

In item number 491 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1510 of such table, strike ''$18,000,000'' and insert ''$19,000,000''.

In item number 1865 of such table, strike ''$3,000,000'' and insert ''$3,250,000''.

In item number 851 of such table, strike ''$4,000,000'' and insert ''$4,200,000''.

In item number 1947 of such table, strike ''$2,450,000'' and insert ''$3,000,000''.

In item number 3104 of such table, strike ''$1,000,000'' and insert ''$1,200,000''.

In item number 2833 of such table, strike ''$600,000'' and insert ''$1,000,000''.

In item number 2964 of such table, strike ''$250,000'' and insert ''$450,000''.

In item number 2894 of such table, strike ''$1,000,000'' and insert ''$1,200,000''.

In item number 1136 of such table, strike ''$3,200,000'' and insert ''$2,750,000''.

In item number 1188 of such table, strike ''$5,880,000'' and insert ''$6,480,000''.

In item number 1768 of such table, strike ''$3,220,000'' and insert ''$3,350,000''.

In item number 3263 of such table, strike ''$1,680,000'' and insert ''$3,420,000''.

In item number 2807 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item number 1176 of such table, strike ''$10,000,000'' and insert ''$4,000,000''.

In item number 2916 of such table, strike ''$1,750,000'' and insert ''$2,000,000''.

In item number 912 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 1625 of such table, strike ''$600,000'' and insert ''$800,000''.

In item number 2780 of such table, strike ''$600,000'' and insert ''$892,000''.

In item number 2457 of such table, strike ''$100,000'' and insert ''$108,000''.

In item number 811 of such table, strike ''$11,000,000'' and insert ''$13,000,000''.

In item number 164 of such table, strike ''$7,000,000'' and insert ''$17,000,000''.

In item number 598 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item number 1493 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1496 of such table, strike ''$200,000'' and insert ''$2,000,000''.

In item number 3279 of such table, strike ''$10,750,000'' and insert ''$11,750,000''.

In item number 2796 of such table, strike ''Plan, Design, and Construct improvements to Virginia Beach Blvd in Virginia Beach and Norfolk'' and insert ''Preliminary Engineer, Design, and Construct improvements to Virginia Beach Blvd in Virginia Beach and Norfolk''.

In item number 717 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 875 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 2710 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item number 860 of such table, strike ''$7,000,000'' and insert ''$9,000,000''.

In item number 1451 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item number 264 of such table, strike ''$2,000,000'' and insert ''$4,000,000''.

In item number 294 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 1233 of such table, strike ''$5,750,000'' and insert ''$3,000,000''.

In item number 234 of such table, strike ''$3,000,000'' and insert ''$3,534,680''.

In item number 1821 of such table, strike ''$2,000,000'' and insert ''$2,535,000''.

In item number 3178 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 216 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item number 2246 of such table, strike ''$3,000,000'' and insert ''$3,500,000''.

In item number 465 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 710 of such table, insert ''right-of-way acquisition and'' before ''construction'' and strike ''$5,000,000'' and insert ''$6,000,000''.

In item number 2065 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 3096 of such table, strike ''$1,250,000'' and insert ''$3,250,000''.

In item number 2371 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 1786 of such table, strike ''$2,930,000'' and insert ''$3,000,000''.

In item number 576 of such table, strike ''$4,000,000'' and insert ''$9,500,000''.

In item number 3238 of such table, strike ''$3,000,000'' and insert ''$9,000,000''.

In item number 2972 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 2103 of such table, strike ''$1,000,000'' and insert ''$2,500,000''.

In item number 7 of such table, strike ''$1,400,000'' and insert ''$2,000,000''.

In item number 155 of such table, strike ''$400,000'' and insert ''$500,000''.

In item number 1397 of such table, strike ''$400,000'' and insert ''$500,000''.

In item number 524 of such table, strike ''$75,000'' and insert ''$275,000''.

In item number 2256 of such table, strike ''$5,000,000'' and insert ''$6,200,000''.

In item number 2744 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 472 of such table, strike ''$8,000,000'' and insert ''$9,000,000''.

In item number 1713 of such table, strike ''To plan, design and construct the Northwest Corridor—Western Blvd. Project in Jacksonville, NC'' and insert ''To plan, design, and construct the Northwest Corridor—Western Blvd. Project in Jacksonville, NC'' and strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 2789 of such table, strike ''$6,000,000'' and insert ''$6,800,000''.

In item number 2613 of such table, strike ''$3,000,000'' and insert ''$3,500,000''.

In item number 3181 of such table, strike ''$1,000,000'' and insert ''$1,700,000''.

In item number 305 of such table, strike ''$10,000,000'' and insert ''$14,400,000''.

In item number 2343 of such table, strike ''$10,000,000'' and insert ''$5,600,000''.

In item number 1950 of such table, strike ''$7,000,000'' and insert ''$8,000,000''.

In item number 2406 of such table, strike ''$7,000,000'' and insert ''$8,000,000''.

In item number 963 of such table, strike ''$1,750,000'' and insert ''$2,125,000''.

In item number 1125 of such table, strike ''$750,000'' and insert ''$1,000,000''.

In item number 2040 of such table, strike ''US Rt 30 between Williams St and IL Rt 43 for signals, turn & or deceleration lanes at 80th Ave, Wolf Rd, LincolnWay HS and Locust St'' and insert ''For US Rt 30 intersection signals, turn & deceleration lanes btwn Williams St & IL Rt 43 incl. 80th Ave, Wolf Rd, LincolnWay HS & Locust St'' and strike ''$6,000,000'' and insert ''$7,000,000''.

In item number 2397 of such table, strike ''$4,000,000'' and insert ''$4,500,000''.

In item number 723 of such table, strike ''$5,500,000'' and insert ''$7,000,000''.

In item number 1024 of such table, strike ''$6,000,000'' and insert ''$8,000,000''.

In item number 1087 of such table, strike ''$16,000,000'' and insert ''$2,000,000''.

In item number 2612 of such table, strike ''$4,000,000'' and insert ''$16,000,000''.

In item number 2872 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1333 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 3235 of such table, strike ''$4,000,000'' and insert ''$10,000,000''.

In item number 71 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item number 2392 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 2979 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item number 2662 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 500 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item number 2548 of such table, strike ''Preconstruction studies for improvement to US 22.'' and insert ''Preconstruction studies for improvement to US 22 from Irving Street to Mickley Road.''.

In item number 1779 of such table, strike ''Construction of part of a 230 mile corridor extending from I–280 at Rock Island to I–270 south of Alton'' and insert ''Construction of part of a 230 mile corridor of US 67 near Jerseyville and Carrollton, Illinois''.

In item number 1893 of such table, strike ''Construct HSH 151'' and insert ''Construct USH 151''.

In item number 1342 of such table, strike ''Construction of freeway between I–15 and US 395'' and insert ''Construction of new freeway between I–15 and US 395, including new interchange at I–15''.

In item 1470 of such table, strike ''$2,000,000'' and insert ''$5,000,000''.

In item 1688 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 1734 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item 457 of such table, strike ''$450,000'' and insert ''$250,000''.

In item 490 of such table, strike ''$500,000'' and insert ''$2,500,000''.

In item 2196 of such table, strike ''$700,000'' and insert ''$900,000''.

In item 2664 of such table, strike ''NY'' and insert ''NJ''.

In item 2412 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item 210 of such table, strike ''$3,400,000'' and insert ''$2,400,000''.

In item 3233 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 1552 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 560 of such table, strike ''$1,500,000'' and insert ''$1,000,000''.

In item 825 of such table, strike ''$18,496,000'' and insert ''$34,984,000''.

In item 1525 of such table, strike ''$12,500,000'' and insert ''$14,500,000''.

In item 1845 of such table, strike ''Walton County'' and insert ''Bay County''.

In item 3288 of such table, strike ''Walton County'' and insert ''Bay County''.

In item 2044 of such table, strike ''$1,250,000'' and insert ''$1,500,000''.

In item 551 of such table, strike ''$1,000,000'' and insert ''$1,250,000''.

In item 622 of such table, strike ''$1,200,000'' and insert ''$1,550,000''.

In item 600 of such table, strike ''$1,700,000'' and insert ''$2,200,000''.

In item 3058 of such table, strike ''$300,000'' and insert ''$500,000''.

In item 2391 of such table, strike ''$1,400,000'' and insert ''$1,900,000''.

In item 1479 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item 1112 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 1853 of such table, strike ''$7,000,000'' and insert ''$7,800,000''.

In item number 2803 of such table, strike ''$12,000,000'' and insert ''$15,000,000''.

In item number 1787 of such table, strike the program description and insert ''LA, US 190 (LA 22 to Little Bayou Castine) Widening'' and strike ''$800,000'' and insert ''$1,000,000''.

In item number 2071 of such table, strike ''$3,300,000'' and insert ''$4,300,000''.

In item number 2132 of such table, strike ''$3,300,000'' and insert ''$5,800,000''.

In item number 3057 of such table, strike ''$15,000,000'' and insert ''$16,000,000''.

In item number 1835 of such table, strike ''$3,500,000'' and insert ''$7,000,000''.

In item number 2163 of such table, strike ''$1,500,000'' and insert ''$3,000,000''.

In item number 1738 of such table, strike ''$2,000,000'' and insert ''$3,500,000''.

In item number 381 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 75 of such table, strike ''$2,000,000'' and insert ''$3,500,000''.

In item number 1795 of such table, strike ''$1,500,000'' and insert ''$3,000,000''.

In item number 2948 of such table, strike ''$500,000'' and insert ''$1,500,000''.

In item number 642 of such table, strike ''Greenway'' and insert ''bicycle and pedestrian path''.

In item 1898 of such table, strike ''Improvements to SH412P at I–44 Interchange'' and insert ''Improvements to SH412P at 412 interchange''.

In item 1754 of such table, strike ''$4,500,000'' and insert ''$6,000,000''.

In item 1488 of such table, strike ''$7,500,000'' and insert ''$8,000,000''.

In item 970 of such table, strike ''$1,400,000'' and insert ''$7,000,000''.

In item 3240 of such table, strike ''Construct Railroad Underpass on Hwy 35 in Pierre'' and insert ''Construct Railroad Underpass on Hwy 34 in Pierre''.

In item 819 of such table, strike ''$1,400,000'' and insert ''$1,000,000''.

In item 3026 of such table, strike ''Regrade and resurface BIA Route #5 south of Dupree on the Cheyenne River Reservation'' and insert ''Pave and curb Cheyenne River Tribe Route 900, 'Chinatown' in Eagle Butte''.

In item 2080 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 2749 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 1081 of such table, strike ''$5,000,000'' and insert ''$8,000,000''.

In item 278 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 1085 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 3013 of such table, strike ''Install countdown devices on pedestrian crossing signals on US Routes 12/20 and 50 in Oak Lawn'' and insert ''Improve Streets, Merrionette Park''.

In item 1128 of such table, strike ''$4,000,000'' and insert ''$10,000,000''.

In item 1405 of such table, strike ''$15,680,000'' and insert ''$17,180,000''.

In item 889 of such table, strike ''$7,500,000'' and insert ''$15,000,000''.

In item 450 of such table, strike ''$2,500,000'' and insert ''$3,500,000''.

In item 2819 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 2194 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 688 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item 2198 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item 2835 of such table, strike ''$500,000'' and insert ''$1,500,000''.

In item 266 of such table, strike ''$1,000,000'' and insert ''$3,000,000.''

In item 701 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 1296 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 427 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 1993 of such table, strike ''$5,500,000'' and insert ''$10,000,000''.

In item 862 of such table, strike ''$2,000,000'' and insert ''$4,500,000''.

In item 3027 of such table, strike ''$13,000,000'' and insert ''$15,000,000''.

In item 1560 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 259 of such table, strike ''Design, engineering, ROW acquisition and construction for the French Rapids Bridge, City of Brainerd'' and insert ''Corridor study, EIS, and ROW acquisition for a future highway and bridge over the Mississippi River, City of Brainerd''.

In item 2348 of such table, strike ''$5,000,000'' and insert ''$8,000,000''.

In item 1458 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 105 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item 2028 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 1474 of such table, strike ''$3,500,000'' and insert ''$4,000,000''.

In item 2264 of such table, strike ''$3,500,000'' and insert ''$4,000,000''.

In item 2917 of such table, strike ''$7,000,000'' and insert ''$9,000,000''.

In item 2189 of such table, strike ''$10,000,000'' and insert ''$22,500,000''.

In item 3211 of such table, strike ''$2,500,000'' and insert ''$9,500,000''.

In item 721 of such table, strike ''$1,000,000'' and insert ''$1,200,000''.

In item 2996 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 14 of such table, strike ''$2,600,000'' and insert ''$4,850,000''.

In item 2827 of such table, strike ''$800,000'' and insert ''$1,100,000''.

In item 2718 of such table, strike ''$1,100,000'' and insert ''$1,300,000''.

In item 2910 of such table, strike ''$400,000'' and insert ''$600,000''.

In item 2671 of such table, strike ''$6,000,000'' and insert ''$8,250,000''.

In item 586 of such table, strike ''$4,000,000'' and insert ''$6,000,000''.

In item 942 of such table, strike ''$500,000'' and insert ''$1,250,000''.

In item 2667 of such table, strike ''$6,300,000'' and insert ''$7,000,000''.

In item 250 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 1115 of such table, strike ''$1,000,000'' and insert ''$1,300,000''.

In item 63 of such table, strike ''$4,500,000'' and insert ''$7,500,000''.

In item 2446 of such table, strike ''$5,000,000'' and insert ''$5,500,000''.

In item 447 of such table, strike ''$9,000,000'' and insert ''$10,250,000''.

In item 2671 of such table, strike ''$6,000,000'' and insert ''$5,750,000''.

In item 3300 of such table, strike ''$1,250,000'' and insert ''$1,268,245''.

In item 744 of such table, strike ''$3,500,000'' and insert ''$5,350,000''.

In item 672 of such table, strike ''$3,000,000'' and insert ''$5,000,000''.

In item 713 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item 820 of such table, strike ''$6,000,000'' and insert ''$8,000,000''.

In item 1241 of such table, strike ''$6,000,000'' and insert ''$8,000,000''.

In item 2601 of such table, strike ''$4,750,000'' and insert ''$8,000,000''.

In item 1541 of such table, strike ''$500,000'' and insert ''$900,000''.

In item 555 of such table, strike ''$2,945,000'' and insert ''$3,850,000''.

In item 3163 of such table, strike ''$1,750,000'' and insert ''$2,000,000''.

In item 144 of such table, strike ''$850,000'' and insert ''$1,000,000''.

In item 3162 of such table, strike ''$1,400,000'' and insert ''$1,410,000''.

In item 31 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item 321 of such table, strike ''$2,000,000'' and insert ''$2,068,755''.

In item 2658 of such table, strike ''$1,600,000'' and insert ''$1,636,000''.

In item 162 of such table, strike ''$6,500,000'' and insert ''$6,937,000''.

In item 2076 of such table, strike ''construct I–35 and Lone Elm Road interchange and widen I–35 from 51st St. to 59th St., Olathe'' and insert ''Construct I–35 and Lone Elm Road interchange and widen I–35 from 151st St. to 159th St., Olathe''.

In item number 2465 of such table, strike ''$3,000,000'' and insert ''$200,000,000''.

In item number 406 of such table, strike ''$3,000,000'' and insert ''$125,000,000''.

In item number 1938 of such table, strike ''$2,300,000'' and insert ''$7,000,000''.

In item number 1760 of such table, insert ''or IFA vessel debt repayment for MV Prince of Wales Ferry'' after ''ferry terminal''.

In item number 1847 of such table, strike ''Construct access road connection from Seward Highway to rail and airport facilities in Seward'' and insert ''Ferry infrastructure at Seward Marine Center''.

In item 2945 of such table, strike ''$900,000'' and insert ''$7,020,744''.

In item 2892 of such table, strike ''Reconstruct CSAH 17 between Itasca CR 341 and the Scenic State Park entrance to improve safety and structural integrity'' and insert ''Reconstruct CSAH 7 between Itasca CR 341 and the Scenic State Park entrance to improve safety and structural integrity''.

In item 316 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item 768 of such table, strike ''$4,800,000'' and insert ''$5,000,000''.

In item 2415 of such table, strike ''$1,600,000'' and insert ''$2,000,000''.

In item 797 of such table, strike ''$1,300,000'' and insert ''$1,400,000''.

In item 404 of such table, strike ''$2,468,300'' and insert ''$3,000,000''.

In item 892 of such table, strike ''$500,000'' and insert ''$750,000''.

In item 2754 of such table, strike ''$2,800,000'' and insert ''$3,000,000''.

In item 2603 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 1555 of such table, strike ''$7,000,000'' and insert ''$8,000,000''.

In item 2853 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item 3298 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 1088 of such table, strike ''$7,500,000'' and insert ''$9,000,000''.

In item 705 of such table, strike ''$6,500,000'' and insert ''$10,900,000''.

In item 2837 of such table, strike ''$4,500,000'' and insert ''$5,000,000''.

In item 848 of such table, strike ''$4,500,000'' and insert ''$5,000,000''.

In item 834 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item 396 of such table, strike ''$500,000'' and insert ''$1,000,000''.

In item 1284 of such table, strike ''$1,000,000'' and insert ''$3,600,000''.

In item 1812 of such table, strike ''$21,000,000'' and ''$21,850,000''.

In item 733 of such table, strike ''$15,000,000'' and insert ''$20,000,000''.

In item 3220 of such table, strike ''$2,000,000'' and insert ''$4,000,000''.

In item 430 of such table, strike ''$1,750,000'' and insert ''$2,000,000''.

In item 592 of such table, strike ''$3,000,000'' and insert ''$3,900,000''.

In item 2369 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 3174 of such table, strike ''$10,000,000'' and insert ''$10,700,000''.

In item 1551 of such table, strike ''$5,000,000'' and insert ''$8,500,000''.

In item 1032 of such table, strike ''$1,000,000'' and insert ''$4,000,000''.

In item 930 of such table, strike ''$500,000'' and insert ''$2,500,000''.

In item 910 of such table, strike ''$16,500,000'' and insert ''$20,000,000''.

In item 1946 of such table, strike ''Construct Pedestrian Mall and Streetscape Improvements, Wilmore'' and insert ''Construct Pedestrian Mall and Streetscape Improvements on Lexington, College, Walnut and Gilespie Sts, Wilmore''.

In item 2451 of such table, strike ''3,000,000'' and insert ''$4,400,000''.

In item 1571 of such table, strike ''$5,500,000'' and insert ''$8,500,000''.

In item 1226 of such table, strike ''$500,000'' and insert ''$1,400,000''.

In item 2091 of such table, strike ''$1,700,000'' and insert ''$2,500,000''.

In item 1453 of such table, strike ''$2,100,000'' and insert ''$3,000,000''.

In item 1454 of such table, strike ''$1,800,000'' and insert ''$1,900,000''.

In item 468 of such table, strike ''$3,200,000'' and insert ''$5,000,000''.

In item 2374 of such table, strike ''$2,000,000'' and insert ''$3,800,000''.

In item 1289 of such table, strike ''$5,000,000'' and insert ''$6,800,000''.

In item 1864 of such table, strike ''$550,000'' and insert ''$2,100,000''.

In item 231 of such table, strike ''$500,000'' and insert ''$1,500,000''.

In item 1718 of such table, strike ''$10,000,000'' and insert ''$15,000,000''.

In item 1185 of such table, strike ''$2,250,000'' and insert ''$4,000,000''.

In item 1293 of such table, strike ''$2,750,000'' and insert ''$3,500,000''.

In item 822 of such table, strike ''$500,000'' and insert ''$1,250,000''.

In item 1444 of such table, strike ''$20,000,000'' and insert ''$25,000,000''.

In item 486 of such table, strike ''$2,500,000'''' and insert ''$5,500,000''.

In item 2700 of such table, strike ''$1,400,000'' and insert ''$2,400,000''.

In item 359 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item 1793 of such table, strike ''$10,650,000'' and insert ''$13,900,000''.

In item 1943 of such table, strike ''$7,000,000'' and insert ''$8,000,000''.

In item 2017, of such table, strike ''$2,500,000'' and insert ''$8,000,000''.

In item 254 of such table, strike ''$2,000,000'' and insert ''$2,500,000''.

In item 2685 of such table, strike ''$10,000,000'' and insert ''$15,000,000''.

In item 2442 of such table, strike ''$10,000,000'' and insert ''$15,000,000''.

In item 2443 of such table, strike ''$700,000'' and insert ''$800,000''.

In item 878 of such table, strike ''$2,500,000'' and insert ''$4,000,000''.

In item 3004 of such table, strike ''$2,500,000'' and insert ''$4,000,000''.

In item 1583 of such table, strike ''Construct railroad overpass spanning three mile section of SR501 from MP 0 and MP 3'' and insert ''Improve NE 10th Avenue in Vancouver''.

In item 1423 of such table, strike ''$10,000,000'' and insert ''$12,854,000''.

In item 2756 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 744 of such table, strike ''$3,500,000'' and insert ''$4,500,000''.

In item 1212 of such table, strike ''$1,354,000'' and insert ''$2,000,000''.

In item 2095 of such table, strike ''Improve Willapa Hills bicycle and pedestrian trail between Rainbow Falls State Park and Adna'' and insert ''Improve Willapa Hills bicycle and pedestrian trail between Chehalis and Pacific County'' and strike ''$200,000'' and insert ''$700,000''.

In such table, strike item 922.

In item 2152 of such table, strike ''$500,000'' and insert ''$600,000''.

In item 2969 of such table, strike ''$200,000'' and insert ''$250,000''.

In item 2110 of such table, strike ''$4,300,000'' and insert ''$5,000,000''.

In item 1103 of such table, strike ''$11,350,000'' and insert ''$12,000,000''.

In item 249 of such table, strike ''$1,000,000'' and insert ''$3,000,000''.

In item 2925 of such table, strike ''$2,000,000'' and insert ''$4,000,000''.

In item 901 of such table, strike ''$2,000,000'' and insert ''$4,000,000''.

In item 1970 of such table, strike ''$3,300,000'' and insert ''$4,000,000''.

In item 2359 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item 853 of such table, strike ''$3,000,000'' and insert ''$3,500,000''.

In item 1871 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 429 of such table, strike ''$10,000,000'' and insert ''$11,000,000''.

In item 3244 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item 2606 of such table, strike ''$6,000,000'' and insert ''$10,000,000''.

In item 1214 of such table, strike ''$5,200,000'' and insert ''$6,200,000''.

In item 2794 of such table, strike ''$9,000,000'' and insert ''$10,000,000''.

In item 2478 of such table, strike ''$4,500,000'' and insert ''$5,700,000''.

In item 2462 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item 1198 of such table, strike ''Highway Improvements in Liberty Corridor'' and insert ''Transportation Improvements in Liberty Corridor''.

In item 759 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 114'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS Q114''.

In item 552 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 200'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS Q200''.

In item 1382 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 124'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS K124''.

In item 203 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 277'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS K277''.

In item 2553 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 81'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS X81''.

In item 1897 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of IS 194'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of IS X194''.

In item 1071 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of IS 72/PS 69'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of IS R72/PS R69''.

In item 879 of such table, strike ''Install Improvements for Pedestrian Safety in the vicinity of PS 153'' and insert ''Install Improvements for Pedestrian Safety including in the vicinity of PS Q153''.

In item 1507 of such table, strike ''$50,000'' and insert ''$550,000''.

In item 2181 of such table, strike ''Queens and Brooklyn County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue'' and insert ''Queens, Bronx, and Kings, and Richmond County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue'' and strike ''$4,000,000'' and insert ''$6,250,000''.

In item 2092 of such table, strike ''$300,000'' and insert ''$1,300,000''.

In item 221 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 2129 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 2592 of such table, strike ''$8,000,000'' and insert ''$10,000,000''.

In item 2960 of such table, strike ''$2,500,000'' and insert ''$5,000,000''.

In item 756 of such table, strike ''$2,000,000'' and insert ''$2,700,000''.

In item 431 of such table, strike ''$2,000,000'' and insert ''$2,300,000''.

In item 2012 of such table, strike ''$750,000'' and insert ''$1,000,000''.

In item 1147 of such table, strike ''$900,000'' and insert ''$1,000,000''.

In item 2134 of such table, strike ''$11,150,000'' and insert ''$12,000,000''.

In item 2625 of such table, strike ''$2,850,000'' and insert ''$4,000,000''.

In item 3154 of such table, strike ''$4,800,000'' and insert ''$6,000,000''.

In item 1495 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 1978 of such table, strike ''$1,750,000'' and insert ''$3,000,000''.

In item 2326 of such table, strike ''$2,850,000'' and insert ''$5,000,000''.

In item 3087 of such table, strike ''$4,750,000'' and insert ''$5,000,000''.

In item 2458 of such table, strike ''$5,700,000'' and insert ''$6,000,000''.

In item 1859 of such table, strike ''$3,700,000'' and insert ''$5,700,000''.

In item 1820 of such table, strike ''$3,700,000'' and insert ''$4,700,000''.

In item 2531 of such table, strike ''$1,000,000'' and insert ''$2,000,000''.

In item 563 of such table, strike ''Improvement of intersection at Aviation Blvd. and Rosecrans Ave. to reduce congestion'' and insert ''Improvement of intersection at Aviation Blvd. and Rosecrans Ave. to reduce congestion, City of Hawthorne''.

In item 2024 of such table, strike ''Realignment of La Brea Avenue to reduce congestion'' and insert ''Realignment of La Brea Avenue to reduce congestion, City of Inglewood''.

In item 2906 of such table, strike ''Improvement of intersection at Inglewood Ave and Marine Ave to reduce congestion'' and insert ''Improvement of intersection at Inglewood Ave and Marine Ave to reduce congestion, City of Lawndale''.

In item 1892 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 2040 of such table, strike the project description and insert ''For US Rt. 30 intersection signals, turn and declaration lanes between Williams St. and IL Rt 43 incl. 80th Ave., Wolf Rd, Lincoln Way HS and Locust St'', and also strike ''$6,000,000'' and insert ''$7,000,000''.

In item 2410 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item 2789 of such table, strike ''$3,000,000'' and insert ''$3,500,000''.

In item 110 of such table, strike ''Intersection improvements at Highland and Bishop Roads in the City of Highland Heights, OH'' and insert ''Construct Highland Road pedestrian path and intersection improvements at Highland and Bishop Roads in the City of Highland Heights, OH''.

In item 2893 of such table, strike ''$5,000,000'' and insert ''$6,500,000''.

In item 3247 of such table, strike ''$5,000,000'' and insert ''$8,000,000''.

In item 405 of such table, strike ''$3,000,000'' and insert ''$6,500,000''.

In item 1026 of such table, strike ''$6,4000,000'' and insert ''$7,150,000''.

In item 1034 of such table, strike ''I–76'' and insert ''I–78''.

In item 1099 of such table, strike ''$6,400,000'' and insert ''$7,150,000''.

In item 1149 of such table, strike ''$12,300,000'' and insert ''$14,300,000''.

In item 1156 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item 1246 of such table, strike ''$400,000'' and insert ''$500,000''.

In item 1320 of such table, strike ''$500,000'' and insert ''$650,000''.

In item 1332 of such table, strike ''I–10'' and insert ''I–49''.

In item 1348 of such table, strike ''$2,000,000'' and insert ''$5,000,000''.

In item 1385 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 1478 of such table, strike ''$5,600,000'' and insert ''$15,550,000''.

In item 1508 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 1548 of such table, strike ''$2,000,000'' and insert ''$2,700,000''.

In item 181 of such table, strike ''$7,700,000'' and insert ''$8,700,000''.

In item 1832 of such table, strike ''$3,750,000'' and insert ''$4,250,000''.

In item 194 of such table, strike ''$375,000'' and insert ''$425,000''.

In item 2004 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item 2038 of such table, strike ''$6,000,000'' and insert ''$7,000,000''.

In item 207 of such table, strike ''$15,000,000'' and insert ''$17,000,000''.

In item 2126 of such table, strike ''$400,000'' and insert ''$500,000''.

In item 2139 of such table, strike ''$2,350,000'' and insert ''$3,850,000''.

In item 2211 of such table, strike ''$4,480,000'' and insert ''$6,480,000''.

In item 2231 of such table, strike ''Teir'' and insert ''Tier''.

In item 2303 of such table, strike ''Rebuild Yakima Highway within city limits of Sunnyside, WA'' and insert ''Cultural & Interpretive Center (Hanford Reach National Monument) facility, Richland, WA''.

In item 2425 of such table, strike ''$5,000,000'' and insert ''$2,000,000''.

In item 2580 of such table, strike ''$1,400,000'' and insert ''$1,500,000''.

In item 2627 of such table, strike ''$14,000,000'' and insert ''$16,000,000''.

In item 2656 of such table, strike ''$9,000,000'' and insert ''$9,750,000''.

In item 2795 of such table, strike ''Construct I–66 east of Somerset, Kentucky in Pulaski County to I–75 at London, Kentucky'' and insert ''Construct Northern Bypass of Somerset, KY and I–66 from the Cumberland Parkway west of Somerset, KY to I–75 south of London, KY'' and strike ''$7,000,000'' and insert ''$35,000,000''.

In item 2984 of such table, strike ''$3,120,000'' and insert ''$1,800,000''.

In item 2997 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item 3001 of such table, strike ''$725,000'' and insert ''$750,000''.

In item 3007 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item 3034 of such table, strike ''$1,500,000'' and insert ''$2,800,000''.

In item 3040 of such table, strike ''$8,000,000'' and insert ''$18,000,000''.

In item 3071 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 3141 of such table, strike ''$4,200,000'' and insert ''$3,500,000''.

In item 3166 of such table, strike ''from mile post 117.5 to milepost 118.5''.

In item 317 of such table, strike ''$1,210,000'' and insert ''$3,210,000''.

In item 3208 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item 3228 of such table, strike ''$5,600,000'' and insert ''$13,900,000''.

In item 3236 of such table, strike ''$400,000'' and insert ''$100,000''.

In item 3270 of such table, strike ''$14,000,000'' and insert ''$35,000,000''.

In item 351 of such table, strike ''$6,000,000'' and insert ''$8,000,000''.

In item 470 of such table, strike ''NY'', ''Rehabilitation of Bay Ridge 86th Street Subway Station, Brooklyn, NY'', and strike ''$2,000,000'' and insert ''SC'', ''Widen 8 miles of S–83 (Hardscrabble Road) from intersection with SC Route 555 (Farrow Road) to Road S–54 (Langford Road)'', and ''$2,000,000''.

In item 571 of such table, strike ''$475,000'' and insert ''$500,000''.

In item 621 of such table, strike ''$4,000,000'' and insert ''$5,000,000''.

In item 712 of such table, strike ''KY'', ''Construct North Somerset Bypass in Pulaski County from Nunn Parkway to KY80'', and strike ''$7,000,000'' and insert ''CA'', ''The Alameda Corridor SR 47 Port Access Expressway design funding'', and ''$5,000,000''.

In item 747 of such table, strike ''$5,000,000'' and insert ''$6,000,000''.

In item 789 of such table, strike ''$2,000,000'' and insert ''$4,000,000'' and strike ''Reroute State Hwy 11 near Burlington, WI (Kenosha County, WI)'' and insert ''Reroute State Hwy 11 near Burlington, WI (Walworth and Racine Counties, WI)''.

In item 982 of such table, strike ''$14,000,000'' and insert ''$16,000,000''.

Strike all the text of item 1438 of such table and insert ''NC'', ''Eliminate highway-railway crossings in the city of Fayetteville, NC'', and ''$1,000,000''.

Strike all the text of item 3138 and insert ''KS'', ''Elimination of highway-railway crossings at the city of Pittsburg Port Authority to increase safety and reduce congestion'', and ''$5,730,000''.

Strike the contents of item number 2733 and insert ''FL'', ''Construct reliever road to SR A–1–A in the City of Deerfield Beach beginning at A–1–A/Hillsboro Blvd. and ending at A–1–A/N.E. 2nd Street'' and ''$1,000,000'' in the respective columns.

Strike the contents of item number 1487 and insert ''FL'', ''Widen State Road 80, Hendry County'', and ''$1,000,000'', in the respective columns.

Strike the contents of item 1217 and insert ''IL'', ''Transportation Enhancement and road improvements necessary for Downtown Plaza improvements in Jacksonville, IL'', and ''$952,572'' in the respective columns.

Strike the contents of item 470 and insert ''GA'', ''The Carrollton Greenbelt Project, City of Carrollton, Georgia'', and ''$350,000'' in the respective columns.

In item 2155 of such table, strike ''$14,000,000'' and insert ''$44,250,000''.

In item 1810 of such table, strike ''$1,000,000'' and insert ''$7,120,745''.

In item 1969 of such table, strike ''$1,000,000'' and insert ''$1,500,000''.

In item 2181 of such table, strike ''$4,000,000'' and insert ''$6,250,000''.

In item number 3202 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item number 978 of such table, strike ''$1,800,000'' and insert ''$2,500,000''.

In item number 1249 of such table, strike ''$600,000'' and insert ''$2,000,000''.

In item number 2066 of such table, strike ''$1,500,000'' and insert ''$3,400,000''.

In item number 2799 of such table, strike ''$1,500,000'' and insert ''$2,000,000''.

In item number 2244 of such table, strike ''$2,000,000'' and insert ''$4,000,000''.

In item number 685 of such table, strike ''$1,500,000'' and insert ''$3,000,000''.

In item number 370 of such table, strike ''; demolishing existing elevated road over park''.

In item 2974 of such table, strike the first comma and insert a comma after ''Chester''.

In item 2019 of such table, strike the project description and dollar amount and insert ''Traffic mitigation on Bridge Street and Maple Avenue, Florida, NY'' and ''$150,000'', respectively.

In item 1278 of such table, strike the project description and dollar amount and insert ''Land acquisition and improvements on Louisa Street, Peekskill, NY'', ''$925,000'', respectively.

In item 1870 of such table, strike the project description and dollar amount and insert ''Improvements and upgrades on Main Street, Beekman, NY'', and ''$200,000'', respectively.

In item 2652 of such table, strike ''Improve SR1023 from US 70 Business to US 301 in Smithfield'' and insert ''Improve SR 1923 from US 70 Business to US 301 Smithfield''.

In item 1311 of such table, strike ''Construct Farmington Canal Greenway enhancements, New Haven and Hamden'' and insert ''Construct Farmington Canal Greenway, City of New Haven and Hamden''.

In item 1672 of such table, strike ''Reconstruct Waterfront Street Corridor, New Haven'' and insert ''Reconstruct Waterfront Street Corridor, City of New Haven''.

In item 1570 of such table, strike ''Construct bike/pedestrian path, Shelton'' and insert ''Construct Housatonic Riverwalk, Shelton''.

In item 2135 of such table, strike ''$3,000,000'' and insert ''$2,000,000''.

In item 1250 of such table, strike ''$3,000,000'' and insert ''$1,500,000''.

In item 3314 of such table, strike ''$3,000,000'' and insert ''$37,000,000''.

In item 2158 of such table, strike ''$8,000,000'' and insert ''$5,000,000''.

In item 864 of such table, strike ''Improvements for intersections heavily traveled through which include Beaverton Hillsdale Hwy Scholls Ferry and Oleson, Beaverton'' and insert ''I–5/99W connector'' .

At the end of such table, add the following:

High Priority Projects

No.	State	Project Description	Amount
3316	TX	Reconstruct Union Pacific Railroad bridge over widened Business US 287	$1,000,000
3317	AK	Anchorage Traffic Congestion Relief	$10,000,000
3318	VA	Expansion of Battlefield Parkway from East Market Street at Route 7 to Sycolin Road, S.E.	$2,000,000
3319	OR	Construction of the I–84, US 395 Stanfield Interchange Improvement Project	$2,000,000
3320	IN	Design and reconstruct residential streets in the City of Muncie, Indiana	$930,000
3321	CA	Improvement of Main Street – Shenandoah Road/SR-49 Intersection, Plymouth	$1,000,000
3322	SD	Design and construct new Meridian Bridge across the Missouri River south of Yankton, South Dakota.	$4,000,000
3323	AK	Earthwork and roadway construction Gravina Access Project	$48,000,000
3324	GA	Improvement and construction of SR 40 from east of St. Marys cutoff at mile post 5.0, Charlton County to County Route 61, Camden County, Georgia	$1,000,000
3325	NJ	Route 22 Sustainable Corridor Plan	$3,750,000
3326	OR	Hood River, OR, Frontage Road Crossing Project	$500,000
3327	GA	Construct and Improve Westside Parkway, Northern Section, in Fulton County	$2,000,000
3328	CNMI	Planning design and construction of East Coast Highway/Route 36, Saipan	$12,000,000
3329	GA	Widen SR 133 from Spence Field to SR 35 in Colquitt County, Georgia	$1,000,000
3330	FL	West Palm Beach, Florida, Flagler Drive Reconfiguration	$1,000,000
3331	FL	Implement Snake Road (BIA Route 1281) Widening and Improvements	$1,000,000
3332	NY	Reconstruction of Portland Ave. from Rochester City line to Titus Ave in Irondequoit, NY	$3,000,000
3333	FL	Alleviate congestion at Atlantic Corridor Greenway Network, City of Miami Beach, FL	$500,000
3334	NM	Development of the Paseo del Volcan corridor equally split between Sandoval County from Iris Road to US Highway 550 and the I–40 Paseo del Vulcan Interchange	$2,000,000
3335	WA	SR 704 Cross-Base Highway, Spanaway Loop Road to SR 7	$5,000,000
3336	CA	Restoration of Victoria Avenue in the City of Riverside, CA	$500,000
3337	MN	I-494 Lane Addition	$2,000,000
3338	GA	Uptown Jogging, Bicycle, Trolley Trail, Columbus Georgia	$500,000
3339	CA	Study and construct highway alternatives between Orange and Riverside Counties, directed by RCTC, working with local transp. authorities, and guided by the current MIS	$15,750,000
3340	OH	Rehabilitation or replacement of highway-rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties	$300,000
3341	FL	Improvements to I–75 in the City of Pembroke Pines, Florida	$2,250,000
3342	LA	Construction of new interchange Causeway at Earhart-LA 3139	$1,800,000
3343	GA	Construction of infrastructure for inter-parcel access, median upgrades, lighting, and beautification along Highway 78 corridor	$500,000
3344	MI	Design, Right-of-Way and Construction of the I–196 Chicago Drive (Baldwin Street) Interchange Modificaiton, Michigan	$3,000,000
3345	VA	I-66 and Route 29 Gainesville Interchange Project	$7,000,000
3346	FL	SR 688 Ulmerton Road Widening (Lake Seminole Bypass Canal to El Centro Ranchero)	$10,000,000
3347	OK	Navajoe Gateway Improvements Project, U.S. 62 in Altus, OK	$1,000,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3348	NV	Construction of Carson City Freeway	$1,000,000
3349	TN	Upgrade lights and gates and motion sensor controlling circuitry at the highway rail grade crossing located on Wenasoga Road/FAS 8224, Middleton, TN	$200,000
3350	WV	Construct connector road from north end of RHL Boulevard to State Route 601 (Jefferson Road)	$750,000
3351	NY	Construct Siena College campus perimeter road, Loudonville, NY	$1,000,000
3352	AL	Construct additional lanes on SR 77 from Southside, Alabama to Green Valley Road	$1,700,000
3353	TX	Environmental mitigation related to the SH 195 project and related improvements in Williamson County that had adverse effects on the Karst cave system	$2,000,000
3354	AL	The City of Calera, Alabama—Northern Bypass Segment (U.S. Highway 31 to Alabama State Highway 25)	$6,800,000
3355	WA	Construct a single point urban interchange (SPUI) under I–5 at South 272nd St	$1,350,000
3356	IN	Reconstruct bridges at County Roads 200E and 300E in LaPorte County, Indiana	$500,000
3357	MI	Widen and Reconstruct Walton Blvd in Auburn Hills from Opdyke to Squirrel Rd	$7,400,000
3358	GA	Commission a study and report regarding the construction and designation of a new Interstate linking Savannah, Augusta, & Knoxville	$300,000
3359	TX	Construct pedestrian and bicycle amenities on Seawall Blvd Galveston, Tx	$3,000,000
3360	CA	Pedestrian Beach Trail in San Clemente, CA	$1,000,000
3361	TX	US 90—Construct 6 mainlanes from east of Mercury to east of Wallisville	$2,000,000
3362	PA	Construct highway safety and capacity improvements to improve the access to the KidsPeace Broadway Campus	$900,000
3363	GA	GA 400 and McGinnis Ferry Road Interchange, Forsyth County, GA	$900,000
3364	GA	Construction of bypass around town of Hiram, from SR 92 to US 278, Paulding County, Georgia	$500,000
3365	GA	Construct US 411 Connector from US 41 to I–75, Bartow County, Georgia	$1,000,000
3366	TX	Construct access road connecting Port of Beaumont property on east bank of Neches River to I–10 access road east of the Neches River	$1,320,000
3367	MD	US 220/MD 53 North-South Corridor	$1,000,000
3368	FL	Acquire Right-of-Way for Ludlam Trail, Miami, Florida	$250,000
3369	NY	Construct Northern State Parkway and LIE access at Marcus Ave. and Lakeville Rd. and associated Park and Ride.	$1,700,000
3370	PA	Construct interim US 422 improvements at Valley Forge river crossing	$1,000,000
3371	NY	Design and construction of Renaissance Square in Rochester, NY	$2,000,000
3372	AL	Alabama Hwy 36 Extension and Widening—Phase II	$300,000
3373	PA	Northfield site roadway extension from Rte 60 to Industrial Park near the Pittsburgh International Airport	$500,000
3374	OH	Plan and construct pedestrian trail along the Ohio and Erie Canal Towpath Trail in downtown Akron, OH	$950,000
3375	TX	Reconstruct I–30 Trinity River Bridge—Dallas, TX	$34,000,000
3376	TX	Reconstruct I–30 Trinity River Bridge—Dallas, TX	$1,000,000
3377	GA	Construction of interchange on I–985 north of SR–13, Hall County Georgia	$1,000,000
3378	TX	Construction of circulation roadway at Galveston cruise ship terminal	$1,500,000
3379	FL	Temple Terrace Highway Modification	$1,000,000
3380	WY	Burma Rd: Extension from I–90 to Lakeway Rd	$2,000,000
3381	NJ	Construct Western Blvd. extension from Northern Blvd to S.H. Rt. 9, Ocean County, NJ	$4,000,000
3382	FL	Powerline Rearvision motor carrier backover motor carrier safety research	$100,000
3383	NH	Environmental mitigation at Sybiak Farm in Londonderry to offset effects of I–93 improvements	$1,500,000
3384	MI	East Grand River Improvements, Brighton Township, Michigan	$2,000,000
3385	KY	Replace Brent Spence Bridge, Kenton County, Kentucky	$2,000,000
3386	TX	Construction of projects that relieve congestion in and around the Texas Medical Center complex	$12,000,000
3387	CA	Hazel Avenue ITS Improvements, Folsom Blvd. to Placer County	$500,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3388	FL	SR 688 Ulmerton Road widening (west of 38th street to west of I275)	$10,000,000
3389	NH	Environmental mitigation at Crystal Lake in Manchester to offset effects of I–93 improvements	$1,900,000
3390	VA	Widening I–95 between rte 123 and Fairfax County Parkway	$1,000,000
3391	PA	Armstrong County, PA Slatelick Interchange for PA 28 at SR 3017	$2,400,000
3392	OK	Reconstruct the I–44-Ft. Still Key Gate Interchange	$1,000,000
3393	GA	Greene County, Georgia conversion of I–20 and Carey Station Road overpass to full interchange	$2,000,000
3394	OH	Upgrade overpass and interchange at US 24 and SR 66 in the City of Defiance	$1,000,000
3395	NE	Interstate 80 Interchange at Pflug Road, Sarpy County, Nebraska	$1,000,000
3396	FL	Conduct planning and engineering for SR70 widening in Hardee, DeSoto and Okeechobee Counties	$500,000
3397	VA	Cathodic Bridge Protection for Veterans Memorial Bridge and the Berkely Bridge in the Commonwealth of Virginia	$700,000
3398	IN	Reconstruct McClung Road from State Road 39 to Park Street in LaPorte, Indiana	$750,000
3399	OH	Riversouth Street Network Improvements in Columbus	$3,000,000
3400	GA	National Infantry Museum Transportation Network, Georgia	$3,750,000
3401	AK	Wideband multimedia mobile emergency communications pilot project Wasilla, Alaska	$5,000,000
3402	MD	Widen road and improve interchanges of I–81 from south of I–70 to north of Halfway Boulevard	$1,000,000
3403	TX	Expansion of US 385 4 lane divide south of Crane to McCarney	$2,000,000
3404	VA	Old Mill Road Extension	$1,000,000
3405	GA	Commission a study & report regarding construction & desgnation of a new Interstate linking Augusta, Macon, Columbus, Montgomery, & Natchez	$300,000
3406	CO	Improvements on US 36 corridor from I–25 to Boulder. Improvements include interchange and overpass reconstruction	$2,000,000
3407	AZ	Design and construct bridge and roadway approaches across Tonto Creek at Sheeps Crossing south of Payson, AZ	$3,000,000
3408	NE	Missouri River Bridges between US 34, I–29 in Iowa and US 75 in Nebraska	$2,500,000
3409	NY	Reconstruct—Orangeport Road from NYS Rte 31 to Slayton Settlement Road—Niagara County, NY	$850,000
3410	TN	Construct sound-walls between I–65 and Harding Place in Davidson County	$830,000
3411	ID	Reconstruct and Realign SH–55 in Idaho between Mileposts 94 and 102	$2,000,000
3412	FL	Pinellas Countywide Intelligent Transportation System—phase 2	$10,000,000
3413	OK	Realignment of US 287 around Boise City, OK	$1,000,000
3414	FL	Replace Heckscher Drive (SR 105) Bridge across Broward River	$2,000,000
3415	TX	FM 156 Road Relocation at Alliance Airport, Texas	$1,000,000
3416	TX	Upgrade Caesar Chavez Boulevard from San Antonio Street to Brazos Street	$3,000,000
3417	FL	Coral Way, SR 972 Highway Beautification, Phase One, Miami, Florida	$500,000
3418	OR	Cascade Locks Marine Park Underpass to address necessary improvements	$500,000
3419	NY	Reconstruction of East Genesee Street connective corridor to Syracuse University in Syracuse, NY	$3,500,000
3420	IL	For Cook County to reconstruct and widen 127th Street between Smith Road and State Street in Lemont	$450,000
3421	TN	Widen I–65 from SR–840 to SR–96, including interchange modification at Goose Creek Bypass, Williamson County	$970,000
3422	CA	Auburn Boulevard Improvements, City of Citrus Heights	$500,000
3423	LA	Bossier Parish Congestion Relief	$3,000,000
3424	LA	Fund the 8.28 miles of the El Camino East-West Corridor along LA 6 from LA 485 near Robeline, LA to I–49	$2,000,000
3425	FL	Bryan Dairy Road improvements from Starkey Road to 72nd Street	$4,000,000
3426	GA	Buckhead Community Improvements to rehabilitate State Road141, including lane straightening, addition of median, installation of left turn bays at two intersections, addition of bicycle lanes, sidewalks, clear zones and landscape buffers	$1,000,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3427	VA	Purchase specialized tunnel fire safety equipment, Hampton Roads	$800,000
3428	MI	Holmes Road Reconstruction—From Prospect Road to Michigan Avenue, Charter Township of Ypsilanti	$2,000,000
3429	TN	Construct a system of greenways in Nashville—Davidson County	$1,000,000
3430	UT	Improve pedestrian and traffic safety in Holladay	$2,000,000
3431	OH	Construction of road improvements from Richmond Road to Cuyahoga Community College, Warrensville Heights	$1,350,000
3432	OH	Construct road with access to memorial Shoreway, Cleveland	$1,000,000
3433	TX	North Cameron County East-West Railroad Relocation Project	$100,000
3434	OR	Construct Pathway From Multimodal Transit Station to Swanson Park, Albany	$520,000
3435	NY	Transportation Initiative to provide for a parking facility, in the vicinity of the Manhattan College Community	$750,000
3436	NY	Phase II Corning Preserve Transportation Enhancement Project	$6,000,000
3437	NY	Study of Goods movement through I–278 in New York City and New Jersey	$1,500,000
3438	NY	Study and Implement Traffic Improvements to the area surrounding the Stillwell Avenue train station	$1,000,000
3439	CA	Expand Diesel Emission Reduction Program of Gateway Cities COG	$3,100,000
3440	TX	Construct pedestrian walkway on Houston Texas' Main Street Corridor	$1,000,000
3441	CA	Sacramento County, California—Watt Avenue Multimodal Mobility Improvements, Kiefer Boulevard to Fair Oaks Boulevard.	$4,000,000
3442	NJ	Passaic River—Newark Bay Restoration and Pollution Abatement Project, Route 21	$400,000
3443	NJ	Downtown West Orange streetscape and traffic improvement program.	$300,000
3444	NY	High-Speed EZ pass at the New Rochelle Toll Plaza, New Rochelle	$1,000,000
3445	TX	Access to Regional Multi-Modal Center—FM 1016 and SH 115	$2,000,000
3446	AR	For acquisition and construction of an alternate transportation (pedestrian/bicycle) trail from East Little Rock to Pinnacle Mountain State Park	$200,000
3447	MN	Construct 4th Street overpass grade separation crossing a BNSF Rail Road, City of Carlton	$199,794
3448	TX	North Rail Relocation Project, Harlingen	$2,000,000
3449	MN	Construct Pfeifer Road, remove 10 foot raised crossing, Twin Lakes Township	$251,717
3450	MS	Safety improvements and to widen Hardy Street at the intersection of US 49 in Hattiesburg	$800,000
3451	OH	Reconstruction of U.S. Route 20 and Ohio Route 113 (Center Ridge Road), Rocky River	$500,000
3452	MN	Safety improvements to TH 169 between Virginia and Winton	$23,400,000
3453	VA	Construct access road and roadway improvements to Chessie development site.	$1,300,000
3454	NC	Acquisition of rail corridors for use as bicycle and pedestrian trails, Durham	$2,000,000
3455	MN	TH 61 Reconstruction from 2.7 miles to 6.2 miles north of Tofte	$10,067,000
3456	MN	Phase II/part II—CSAH 15 to East of Scenic Highway 7 (1.2 miles)	$2,840,000
3457	MN	Reconstruction with some rehabilitation of roadway with storm water sewer system construction from eastern boundary of the Bois Forte Indian Reservation and ending at ''T'' intersection of roadway (3.5 miles)	$1,000,000
3458	MS	Widen 4th Street in Hattiesburg	$3,200,000
3459	NJ	Study of safe and efficient commercial multi-modal transportation systems serving the East Coast Port Complex.	$500,000
3460	IL	Improve roads and enhance area in the vicinity of S. Archer Avenue and Midway Airport, Chicago	$1,000,000
3461	IL	Construct Leon Pass overpass, Hodgkins	$800,000
3462	IL	Undertake Streetscaping project on Harlem Avenue initiating from 71st Street to I–80, Cook County	$4,000,000
3463	IL	Construct bike path, parking facility, and related transportation enhancement projects, North Riverside	$2,000,000
3464	IL	Upgrade Roads, Summit	$800,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3465	IL	Undertake streetscaping on Ridgeland Avenue, Oak Park Avenue, and 26th Street, Berwyn	$800,000
3466	IL	Construct bike/pedestrian path and related facilities in Spring Rock Park, Western Springs	$600,000
3467	SD	Extend the Sioux Falls Bike Trail to the Great Bear Recreation Area	$1,200,000
3468	SD	Redesign T corner on BIA #2 5 miles SW of Kyle on the Pine Ridge Reservation	$750,000
3469	SD	Extend bike trail in Pine Ridge to the SuAnne Big Crow Boys & Girls Center	$250,000
3470	SD	Extend bicycle trail system in Aberdeen	$8,000,000
3471	GA	City of Moultrie Streetscape Improvements, Phase III	$750,000
3472	GA	Restore and renovate for historic preservation and museum the 1906 AB&A Railroad Building, Fitzgerald	$500,000
3473	GA	Improve sidewalks, upgrade lighting, and add landscaping, Ocilla.	$500,000
3474	GA	Improve sidewalks, upgrade lighting, and add landscaping, Newton County.	$750,000
3475	GA	Improve sidewalks, upgrade lighting, and add landscaping, Monticello.	$500,000
3476	GA	City of Sylvester Bicycle and Pedestrian Project.	$500,000
3477	GA	Improve sidewalks, upgrade lighting, and add landscaping, Tifton.	$750,000
3478	GA	Improve sidewalks and curbs on Wheeler Avenue and Carlos Avenues, Ashburn.	$500,000
3479	GA	Improve sidewalks, upgrade lighting, and add landscaping, Jackson.	$500,000
3480	CA	Construct traffic circle in San Ysidro at the intersection of Via de San Ysidro and West San Ysidro Boulevard, San Diego	$300,000
3481	CA	Construct and resurface unimproved roads in the Children's Village Ranch and improve access from Children's Village Ranch to Lake Morena Drive, San Diego County	$1,000,000
3482	CA	Project design and environmental assessment of widening and improving the interchange at ''H'' Street and I–5, Chula Vista, Chula Vista	$2,700,000
3483	FL	Jacksonville International Airport Access Rd. to I–95, Jacksonville	$2,000,000
3484	FL	Mathews Bridge Replacement, Jacksonville	$1,000,000
3485	FL	Hecksher Bridge Replacement, Jacksonville	$1,000,000
3486	FL	NE 3 Ave to NE 8th Ave Rd Reconstruction, Gainesville	$1,000,000
3487	FL	University Ave to NE 8 Avenue Rd Reconstruction, Gainesville	$2,000,000
3488	KY	Central Kentucky Multi Highway Preservation Project	$2,300,000
3489	WV	Construct East Beckley Bypass, including $500,000 for preliminary engineering and design of the Shady Spring connector (Route 3/Airport Road)	$5,000,000
3490	WV	Construct I–73/74 High Priority Corridor, Wayne Co.	$5,000,000
3491	KY	Construct Kidville Road (KY 974) Interchange at the Mountain Parkway, Clark County	$1,700,000
3492	NY	Construction and improvements to Ridge Road, Lackawanna	$500,000
3493	CA	Construction at I–580 and California SR 84 (Isabel Avenue) Interchange	$2,500,000
3494	NY	Construction of and improvements to Amherst Street, Buffalo	$200,000
3495	NY	Construction of and improvements to Grant Street, Buffalo	$200,000
3496	NY	Construction of and improvements to Hertel Avenue, Buffalo	$200,000
3497	NY	Construction of and improvements to Hopkins Street, Buffalo	$200,000
3498	NY	Construction of and improvements to Main Street in the Town of Aurora	$500,000
3499	NY	Construction of and improvements to McKinley Parkway, Buffalo	$500,000
3500	NY	Construction of and improvements to Route 5 in the Town of Hamburg	$500,000
3501	NY	Construction of and improvements to South Park Avenue and Lake Avenue in the Village of Blasdell	$500,000
3502	NY	Construction of and improvements to South Park Avenue, Buffalo	$200,000
3503	NY	Construction of Bicycle Path and Pedestrian Trail in City of Buffalo	$800,000
3504	NY	Construction, redesign, and improvements to Fargo Street in Buffalo	$2,000,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3505	TN	Improve existing two lane highway to a five lane facility on State Route 53 from South of I–24 to Near Parks Creek Road, Coffee County	$5,500,000
3506	ME	Improve portions of Route 116 between Lincoln and Medway to bring road up to modern standard	$3,500,000
3507	ME	Improve portions of Route 26 between Bethel and Oxford	$1,000,000
3508	NY	Road improvements and signage in City of Lackawanna	$500,000
3509	NJ	Belmont Ave Gateway Community Enhancement Project, Haledon	$500,000
3510	TX	Conduct feasibility study for an off ramp on I–30 on to Hall Street for direct access to Baylor University Medical Center in Dallas.	$1,000,000
3511	NJ	Livingston Pedestrian Streetscape Project along Mt. Pleasant and Livingston Avenues	$900,000
3512	MD	MD4 at Suitland Parkway	$5,000,000
3513	NJ	Pompton Lakes Downtown Streetscape	$1,000,000
3514	PA	Street improvements along North Broad Street, Hatfield Borough	$125,000
3515	PA	Street improvements to Old York Road, Jenkintown Borough	$1,000,000
3516	PA	Street improvements to Ridge Pike and Joshua Road, Whitemarsh Township	$800,000
3517	PA	Street improvements to Skippack Pike (Rte 73), Whitpain Township	$600,000
3518	PA	Street Improvements, Upper Dublin Township	$1,500,000
3519	PA	Street Improvements, Upper Gwynedd Township	$375,000
3520	VA	Construct access road and roadway improvements to Chessie development site, Clifton Forge	$1,300,000
3521	WA	Fruitdale and McGarigle Arterial Improvements Project in Sedro Woolley, Washington	$950,000
3522	MS	Improve Ridge Road, Pearl River County	$1,000,000
3523	MS	Port Bienville Intermodal Connector, Hancock County	$3,000,000
3524	WA	Realign Airport Road/Springhetti Ave./Marsh Road in Snohomish County, Washington.	$400,000
3525	LA	Widen I–10 in New Orleans	$2,800,000
3526	UT	Widen Redwood Road from Saratoga Springs to Bangerter Highway in Utah County	$1,000,000
3527	VA	Widen Rolfe Highway from near the intersection of Rolfe Highway and Point Pleasant Road to the Surry ferry landing approach bridge	$500,000
3528	VA	Construct access road and roadway improvements to Chessie development site, Clifton Forge	$1,300,000
3529	WA	Fruitdale and McGarigle Arterial Improvements Project in Sedro Woolley, Washington	$950,000
3530	MS	Improve Ridge Road, Pearl River County	$1,000,000
3531	MS	Port Bienville Intermodal Connector, Hancock County	$3,000,000
3532	WA	Realign Airport Road/Springhetti Ave./Marsh Road in Snohomish County, Washington.	$400,000
3533	LA	Widen I–10 in New Orleans	$2,800,000
3534	UT	Widen Redwood Road from Saratoga Springs to Bangerter Highway in Utah County	$1,000,000
3535	VA	Widen Rolfe Highway from near the intersection of Rolfe Highway and Point Pleasant Road to the Surry ferry landing approach bridge	$500,000
3536	MA	Cambridge Bicycle Path Improvements	$1,000,000
3537	OR	Capitalize Oregon Transportation Infrastructure Bank	$3,998,000
3538	MA	Chelsea Roadway Improvements	$2,000,000
3539	NY	Congestion reduction measures in Richmond County	$2,000,000.00
3540	NJ	Construct Hudson River Waterfront Walkway over Long Slip Canal—Hoboken and Jersey City	$1,000,000
3541	CA	Construct Illinois Street Bridge/Amador Street Connection and Improvements, San Francisco	$4,000,000
3542	NY	Construct multi-modal facility in the vicinity of Brooklyn Childrens Museum	$300,000.00
3543	NJ	Construct Parking Facility at McGinley Square in Jersey City	$1,050,000
3544	OR	Construction of access road including sidewalks, bike lanes and railroad crossing from Highway 99W to industrial zoned property, Corvallis	$814,000
3545	NY	Continuation of the public awareness program to the subcontracting entity which was funded under Section 1212(b) of PL 105–178 about infrastructure in Lower Manhattan.	$500,000.00
3546	OR	Continue bridge repair project authorized under P.L. 105–178, Coos Bay	$8,000,000
3547	NJ	Expand TRANSCOM Regional ITS System in NJ, NY, and CT	$1,000,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3548	OR	Extend Willamette Valley Scenic Bikeway into Lane and Douglas Counties.	$1,000,000
3549	NY	Graffiti Elimination Program in Riverdale neighborhood of Bronx County	$500,000.00
3550	NY	Graffiti Elimination Program on Smith Street in Kings County	$500,000.00
3551	OR	Great Street Trail Connection, Eugene	$900,000
3552	NJ	Hudson County Fire & Rescue Department, North Bergen: Transportation Critical Incident Mobile Data Collection Device	$1,200,000
3553	NJ	Hudson County Pedestrian Safety Improvements	$1,000,000
3554	OR	Hwy. 199 Safety Improvements, Josephine County	$3,104,000
3555	OR	Hwy. 99E/Geary Street Safety Improvements, Albany	$1,002,000
3556	NY	Implement Improvements for Pedestrian Safety in Riverdale neighborhood of Bronx County	$1,000,000.00
3557	WA	Improve Mill Plain Blvd between SE 172nd and SE 192nd in Vancouver	$1,250,000
3558	WA	Improve signage along scenic highways in Clark, Skamania and Pacific counties	$150,000
3559	OR	ITS Improvements to TripCheck, Oregon	$1,200,000
3560	NJ	Jersey City 6th Street Viaduct Pedestrian and Bicycle Pathway Project	$2,000,000
3561	OR	Middle Fork Willamette River Path, Springfield	$3,000,000
3562	OR	OR 42 Hoover Hill Passing Lane, Winston	$1,495,000
3563	OR	Pedestrian improvements including boardwalk extension and sidewalk construction, Port of Brookings Harbor	$600,000
3564	NJ	Port Reading—Improvements to air quality through reduction of engine idling behind Rosewood Lane	$800,000
3565	OR	Purchase communications equipment related to traffic incident management in Linn, Benton, Lane, Douglas, Coos, Curry and Josephine Counties.	$10,000,000
3566	MA	Reconstruction of the I–95/Rte. 20 Interchange in Waltham	$1,300,000
3567	NJ	Route 440 Rehabilitation and Boulevard Creation Project in Jersey City	$1,250,000
3568	MA	Rutherford Avenue Improvements, Boston	$1,000,000
3569	GA	SR 10/Peters Street/Olympic Drive interchange, Athens	$3,000,000
3570	NY	Study and Improve Traffic Flow Around a New Stadium in Willets Point, Queens	$3,000,000.00
3571	OR	To construct and enhance bikeway between Hood River and McCord Creek.	$1,000,000
3572	NY	To construct greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP, in Manhattan.	$1,500,000.00
3573	OR	Transportation enhancements at Eugene Depot, Eugene	$1,000,000
3574	OR	U.S. 101 Slide Repair, Curry County	$5,800,000
3575	OR	U.S. Hwy. 20 and Airport Road Intersection Improvements, Lebanon	$837,000
3576	IL	Upgrade 31st Street and Golfview Rd intersection and construct parking facilities, Brookfield	$1,500,000.00
3577	NJ	Weehawken Baldwin Avenue Improvements	$2,000,000
3578	WA	Widen SR 503 through Woodland	$1,000,000
3579	OR	Widen to three lanes and add urban features to OR 42 from Lookingglass Creek to Glenhart, Winston	$3,250,000
3580	NY	Bicycle and pedestrian safety improvements, Main Street, Riverhead	$1,200,000
3581	IL	Construct extension of Queeny Avenue from IL Rt 3 to Hog Haven Road, St. Clair County	$750,000
3582	NY	Construct improvements to NY Route 5 from Coast Guard Base to Ohio Street, including Fuhrmann Boulevard	$1,000,000
3583	IL	Extend and Construct Concrete Corridor between IL Rt 13 to IL Rt 15, Centreville	$1,000,000
3584	NY	Implement a roadway evacuation study for the South Shore of Long Island, Mastic	$1,000,000
3585	NY	Improve Brooksite Dr. from NY 25/25A to Rt. 347, Smithtown	$900,000
3586	NY	Improve Clover Ln. from Bay Ave to Bay Rd, hamlet of Brookhaven	$270,000
3587	NY	Improve CR 80, Montauk Highway, Village of Patchogue	$600,000
3588	NY	Improve Dare Rd from Old Town Rd to Rt. 25, Selden	$440,000
3589	NY	Improve Hospital Road Bridge between CR99 and CR101, Patchogue	$690,000
3590	NY	Improve intersection of Old Dock and Church Street, Kings Park	$120,000
3591	NY	Improve Maple Avenue in Smithtown	$150,000

High Priority Projects—Continued

No.	State	Project Description	Amount
3592	NY	Improve Old Town Rd from Rt 347 to Slattery Rd, Setauket	$420,000
3593	NY	Improve Old Willets Path from NY 454 to Rabro Dr., Smithtown	$1,500,000
3594	NY	Improve Pipe Stave Hollow Rd. to Harbor Beach Rd., Miller Place	$250,000
3595	IL	Reconstruction and Improvement of North Lincoln Ave, O'Fallon	$1,970,000
3596	IL	Reconstruction of 20th Street, Granite City	$1,500,000
3597	IL	Road Alignment from Caseyville Road to Sullivan Drive, Swansea	$1,125,000
3598	NY	Road Improvements Hamlet of Medford, Town of Brookhaven	$500,000
3599	NY	Road improvements, Hamlet of Gordon Heights, Town of Brookhaven	$430,000
3600	NY	Road improvements, Village of Patchogue	$1,500,000
3601	NY	Roadway improvements, hamlet of Mastic Beach	$400,000
3602	IL	Widening Fullerton Road from Metrolink to IL Rt 159, Swansea	$880,000
3603	NY	WLIU Public Radio Emergency and Evacuation Transportation Information Initiative, Southampton	$1,130,000
3604	UT	Reconstruct 500 West, including pedestrian and bicycle access, in Moab	$250,000
3605	PA	Construct improvements to Chambers Hill Road and Lindle Road (S.R. 441) at its intersections with Interstate 283 and Eisenhower Boulevard	$1,000,000
3606	PA	Construct Regional Trail, Muhlenberg Township	$750,000
3607	PA	Rail Crossing signalization upgrade, Bowers Road, Lyons Station, Berks County	$206,300
3608	PA	Rail Crossing signalization upgrade at Hill Road, Township of Blandon, County of Berks	$206,300
3609	PA	Safety improvements at Liberty Street intersection with PA Route 61 in W. Brunswick and N. Manheim Twp., Schuylkill County	$1,905,700
3610	PA	Replace Stossertown Bridge (Main Street) over West Creek in Branch Township, Schuylkill County	$500,000
3611	PA	Replace bridge over Little Mahantongo Creek at intersection of Hepler and Valley Roads in Upper Mahantongo Twp., Schuylkill County	$250,000
3612	PA	Replace Union Street Bridge over Middle Creek in the borough of Tremont, Schuvlkill County	$500,000
3613	PA	Replace Burd St. Bridge over Amtrak and Norfolk Southern railroad tracks in the Borough of Royalton, Dauphin County	$500,000
3614	PA	Hummelstown Borough, PA for intersection and pedestrian realignment and drainage.	$2,000,000
3615	MN	City of Moorhead Southeast Main GSI 34th Street and I–94 interchange''	$2,000,000
3616	MN	Paynesville Highway 23 Bypass	$2,000,000
3617	AR	Construction of I–530 between Pine Bluff and Wilmer	$40,000,000
3618	NY	Conduct study to develop regional transit strategy in Herkimer and Oneida counties	$100,000
3619	NY	Improve Town weatherization capabilities on Tucker Drive, Poughkeepsie, NY	$250,000
3620	NY	Bedell Road improvements, Poughkeepsie, NY	$130,000
3621	NY	Land acquisition and improvements on Main Street, Beacon, NY	$500,000
3622	NY	Construction of sidewalks in Sugar Loaf	$100,000
3623	CT	I-84 Expressway Reconstruction from Waterbury to Southbury	$1,500,000
3624	DC	Road and trail reconstruction and drainage improvements (APHCC)	$600,000
3625	GA	Central Hall Recreation and Multi-Use Trail, Hall County, GA	$2,000,000
3626	OH	Land acquisition for construction of pedestrian and bicycle trails at Mentor Marsh in Ohio	$700,000
3627	OH	Design and construct road enhancements Andrews Road and Lakeshore Blvd in Mentor on-the-Lake, OH	$300,000
3628	OH	Design and construct road enhancements Cleveland Port Authority in Cleveland, Ohio	$2,500,000
3629	LA	Red River National Wildlife Refuge Visitor Center	$3,000,000
3630	TN	For the advancement of project development activities for SR–33 from Knox County Line to SR–61 at Maynardville, TN	$2,000,000
3631	CA	To convert a railroad bridge into a highway bridge spanning over the Feather River between Yuba City and Marysville	$5,000,000

In item 49 of the table contained in section 3038 of the bill, strike ''Hidalgo County, TX Regional Multi-Modal Center'' and insert ''Yonkers, NY Trolley Bus Acquisition'' and strike ''$640,000'', ''660,000'', and ''$700,000'' and insert ''$96,000'', ''$99,000'', and ''$105,000'', respectively.

In item 380 of such table, strike ''Expand Diesel Emission Reduction Program of Gateway Cities COG'' and insert ''Columbiana County, OH Construct Intermodal Facility'' and strike ''$992,000'', ''$1,023,000'', and ''$1,085,000'' and insert ''$1,600,000'', ''$1,650,000'', and ''$1,750,000'', respectively.

In item 162 of such table, strike ''Brownsville, TX Brownsville Ruban System City-Wide Transit Improvement Project'' and insert ''Brownsville, TX Brownsville Urban System City-Wide Transit Improvement Project'' and strike ''$640,000'', ''$660,000'', and ''$700,000'' and insert ''$800,000'', ''825,000'', and ''$875,000'', respectively.

In item 179 of such table, strike ''Albany, OR Construct Pathway From Multimodal Transit Station to Swanson Park'' and insert ''Cleveland, OH Construct passenger intermodal center near Dock 32'' and strike ''$166,400'', ''$171,600'', and ''$182,000'' and insert ''$275,200'', ''$283,800'', and ''$301,000'', respectively.

In item 379 of such table, strike ''Ramapo, NY Transportation Safety Field Command Center (TSFCC)'' and insert ''Ramapo, NY Transportation Safety Field Bus''.

In item 197 of such table, strike ''Brooklyn, NY Brooklyn Children's Museum'' and insert ''Brooklyn, NY Construct a multi-modal transportation facility''.

In item 343 of such table, strike ''Brooklyn, NY Kings County Hospital Center'' and insert ''Kings County, NY Construct a multimodal transportation facility''.

In item 408 of such table, strike ''Brooklyn, NY SUNY Downstate Medical Center'' and insert ''Brooklyn, NY Construct a multimodal transportation facility in the vicinity of Downstate Medical Center''.

In item 163 of such table, strike ''$2,240,000'', ''$2,310,000'', and ''$2,450,000'' and insert ''$1,600,000'', ''$1,650,000'', and ''$1,750,000''.

In item number 351 of such table, amend the project description to read as follows: ''Charlotte North Carolina—Eastland Community Transit Center''.

In item 341 of such table, insert ''Foothill Transit'' before ''Park''.

In item 296 of such table, strike ''$960,000'', ''$990,000'', and ''$1,050,000'' and insert ''$160,000'', ''$165,000'', and ''$175,000'', respectively.

In item 7 of such table, strike ''$640,000'', ''$660,000'', and ''$700,000'' and insert ''$1,920,000'', ''$1,980,000'', and ''$2,100,000'', respectively.

In item 97 of such table, strike ''$640,000'', ''$660,000'', and ''$700,000'' and insert ''$800,000'', ''$825,000'', and ''$875,000'', respectively.

In item 69 of such table, strike ''$2,080,000'', ''$2,145,000'', and ''$2,275,000'' and insert ''$2,320,000'', ''$2,392,500'', and ''$2,537,500'', respectively.

In item 211 of such table, strike ''$2,880,000'', ''$2,970,000'', and ''$3,150,000'' and insert ''$1,600,000'', ''$1,650,000'', and ''$1,750,000'', respectively.

In item 133 of such table, strike ''$800,000'' for fiscal year 2006 and insert ''$1,290,000''.

In item 378 of such table, strike ''and freight access'' .

In item 389 of such table, strike ''$800,000'', ''$825,000'', and ''$875,000'' and insert ''$960,000'', ''$990,000'', and ''$1,050,000'', respectively.

In item 61 of such table, strike ''$400,000'', ''$412,500'', and ''$437,500'' and insert ''$480,000'', ''$495,000'', and ''$525,000'', respectively.

In item 89 of such table, strike ''$256,000'', ''$264,000'', and ''$280,000'' and insert ''$296,000'', ''$305,250'', and ''$323,750'', respectively.

In item 33 of such table, strike ''$320,000'', ''$330,000'', and ''$350,000'' and insert ''$480,000'', ''$495,000'', and ''$525,000'', respectively.

In item 141 of such table, strike ''$160,000'', ''$165,000'', and ''$175,000'' and insert ''$320,000'', ''$330,000'', and ''$350,000'', respectively.

In item 26 of such table,—

(1) strike ''Construct'' and insert ''Plan, design, and construct'' ; and

(2) strike ''$640,000'', ''$660,000'', and ''$700,000'' and insert ''$800,000'', ''$825,000'', and ''$875,000'', respectively.

In item 203 of such table,—

(1) insert ''Construct'' before ''East Valley Metro Bus Facility''; and

(2) strike ''$1,600,000'', ''$1,650,000'', and ''$1,750,000'' and insert ''$2,080,000'', ''$2,145,000'', and ''$2,275,000'', respectively.

In item 241 of such table, strike ''$160,000'', ''$165,000'', and ''$175,000'' and insert ''$960,000'', ''$990,000'', and ''$1,050,000'', respectively.

In item 129 of such table, strike ''$640,000'', ''$660,000'', and ''$700,000'' and insert ''$1,280,000'', ''$1,320,000'', and ''$1,400,000'', respectively.

In item 265 of such table, strike ''$160,000'', ''$165,000'', and ''$175,000'' and insert ''$256,000'', ''$264,000'', and ''$280,000'', respectively.

In item 291 of such table, strike ''$800,000'', ''$825,000'', and ''$875,000'', and insert ''$920,000'', ''$948,750'', and ''$1,006,250'', respectively.

In item 385 of such table, insert ''Norristown, PA-'' at the beginning of the project description.

In item 72 of such table, strike ''Hammond, Louisiana-Passenger Intermodal facility at Southern University'' and insert ''Hammond, Louisiana—Passenger Intermodal facility at Southeastern University''.

In item 233 of such table, strike ''$320,000'', ''$330,000'', and ''$350,000'' and insert ''$960,000'', ''$990,000'', and ''$1,050,000'', respectively.

In item 111 of such table, strike ''$320,000,''''$330,000'', and ''$350,000'' and insert ''$640,000'', ''$660,000'', and ''$700,000'', respectively.

In item number 11 of such table, strike the project description and dollar amounts and insert ''Development of Gold Country Stage Transit Transfer Center, Nevada County, CA'' and ''$297,702'', ''$307,006'', and ''$325,612'', respectively.

In item number 56 of such table, strike the project description and dollar amounts and insert ''Brooklyn, NY—Rehabilition of Bay Ridge 86th Street Subway Station'' and ''$1,280,000'', ''$1,320,000'', and ''$1,400,000'', respectively.

In item number 305 of such table, strike the project description and dollar amounts and insert ''Roanoke, Virginia— Intermodal Facility'' and ''$64,000'', ''$66,000'', and ''$70,000'', respectively.

In item 168 of such table, strike ''Elizabeth, NJ Broad Street Streetscape Improvements and Bus Shelters'' and insert ''Eugene, OR Lane Transit District, Bus Rapid Transit Progressive Corridor Enhancements'', and strike ''$224,000'',''$231,000'', and ''$245,000'' and insert ''$960,000'', ''$990,000'', and ''$1,050,000'' .

In item 100 of such table, strike the project description and dollar amounts and insert ''State of Wisconsin buses and bus facilities'' and ''$5,120,000'', ''$5,280,000'', and ''$5,600,000'', respectively.

In item 12 of such table, strike ''$320,000'', ''$330,000'', ''$350,000'' and insert ''$576,000'', ''$594,000'', and ''$630,000''.

In item 273 of such table, strike ''$288,000'', ''$297,000'', and ''$315,000'' and insert ''$400,000'', ''$412,500'', and ''$437,500'', respectively.

In item 106 of such table, strike ''$112,000'', ''$115,500'', and ''$122,500'' and insert ''$224,000'', ''$231,000'', and ''$245,000'', respectively.

In item 304 of the such table, strike ''$75,000'' and insert ''$2,500,000''.

In item 229 of the such table, strike ''$75,000'' and insert ''$1,000,000''.

In item 284 of the such table, strike the project description and dollar amounts and insert ''Cornwall, NY—Purchase Bus'' and the following dollar amounts, respectively: ''$27,840'', ''$28,710'', and ''$30,450''.

In item 163 of such table, strike ''Normal, Illinois—Multimodal Transportation Center'' and insert ''Normal, Illinois—Multimodal Transportation Center, including facilities for adjacent public and nonprofit uses''.

At the end of such table, add the following:

Project	FY 06	FY 07	FY 08
415. Purchase Buses and construct bus facilities in Broward County, FL.	$480,000	$495,000	$525,000
416. Improve marine intermodal facilities in Ketchikan.	$8,000,000	$8,250,000	$8,750,000
417. Indianapolis, Indiana—Childrens Museum Intermodal Center.	$320,000	$330,000	$350,000
418. Windham, New Hampshire—Construction of Park and Ride Bus facility at Exit 3.	$1,184,000	$1,221,000	$1,295,000
419. Brooklyn, NY—Rehabilition of Bay Ridge 86th Street Subway Station.	$640,000	$660,000	$700,000
420. Purchase Buses and construct bus facilities in Broward County, FL.	$640,000	$660,000	$700,000
421. Bayamon, Puerto Rico—Purchase of Trolley Cars.	$272,000	$280,500	$297,500

Project	FY 06	FY 07	FY 08
422. C Street Expanded bus facility and intermodal parking garage, Anchorage, AK.	$1,600,000	$1,650,000	$1,750,000
423. Morris Thompson Cultural and Visitors Center intermodal parking facility, Fairbanks, AK.	$800,000	$825,000	$875,000
424. Sharon, PA—Bus Facility Construction	$160,000	$165,000	$175,000
425. CITC Non-profit Services Center intermodal parking facility, Anchorage, AK.	$960,000	$990,000	$1,050,000
426. Abilene, TX Vehicle replacement and facility improvements for transit system.	$128,000	$132,000	$140,000
427. Alaska Native Medical Center intermodal parking facility.	$1,600,000	$1,650,000	$1,750,000
428. Butler, PA—Multimodal Transit Center Construction.	$320,000	$330,000	$350,000
429. Normal, Illinois—Multimodal Transportation Center.	$640,000	$660,000	$700,000
430. Rochester, New York—Renaissance Square transit center.	$640,000	$660,000	$700,000
431. Erie, PA—EMTA Vehicle Acquisition ...	$640,000	$660,000	$700,000
432. Miami-Dade County, Florida—buses and bus facilities.	$1,280,000	$1,320,000	$1,400,000
433. Centralia, Illinois—South Central Mass Transit District Improvements.	$128,000	$132,000	$140,000
434. Roanoke, VA—Bus restoration in the City of Roanoke.	$80,000	$82,500	$87,500
435. Denver, Colorado—Regional Transportation District Bus Replacement.	$640,000	$660,000	$700,000
436. Intermodal facility improvements at the Port of Anchorage.	$8,000,000	$8,250,000	$8,750,000
437. American Village/Montevallo construction of closed loop Access Road, bus lanes and parking facility.	$96,000	$99,000	$105,000
438. Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements.	$800,000	$825,000	$875,000
439. Central Florida Commuter Rail intermodal facilities.	$1,600,000	$1,650,000	$1,750,000
440. Ames, Iowa—Expansion of CyRide Bus Maintenance Facility.	$640,000	$660,000	$700,000

In section 1101 of the bill, strike subsection (a) and insert the following:

(a) IN GENERAL.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,323,076,000 for fiscal year 2004, $4,486,153,000 for fiscal year 2005, $4,601,932,000 for fiscal year, 2006, $4,715,480,000 for fiscal year 2007, $4,831,867,000 for fiscal year 2008, and $4,951,164,000 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, $5,187,691,000 for fiscal year 2004, $5,557,383,000 for fiscal year 2005, $5,705,318,000 for fiscal year 2006, $5,831,576,000 for fiscal year 2007, $5,971,240,000 for fiscal year 2008, and $6,111,396,000 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, $3,709,440,000 for fiscal year 2004, $3,942,176,000 for fiscal year 2005, $4,037,231,000 for fiscal year 2006, $4,134,661,000 for fiscal year 2007, $4,234,528,000 for fiscal year 2008, and $4,336,891,000 for fiscal year 2009.

(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under sections 130 and 152 of that title, $630,000,000 for fiscal year 2005, $645,000,000 for fiscal year 2006, $660,000,000 for fiscal year 2007, $680,000,000 for fiscal year 2008, and $695,000,000 for fiscal year 2009. Of such funds ⅓ per fiscal year shall be available to carry out section 130 and ⅔ shall be available to carry out section 152.

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,052,306,000 for fiscal year 2004, $6,950,614,000 for fiscal year 2005, $6,788,704,000 for fiscal year 2006, $6,947,672,000 for fiscal year 2007, $7,110,614,000 for fiscal year 2008, and $7,282,629,000 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, $1,469,846,000 for fiscal year 2004, $1,521,592,000 for fiscal year 2005, $1,559,257,000 for fiscal year 2006, $1,597,863,000 for fiscal year 2007, $1,637,435,000 for fiscal year 2008, and $1,677,996,000 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 14501 of title 40, United States Code, $460,000,000 for fiscal year 2004 and $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of title 23, United States Code, $53,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $90,000,000 for fiscal year 2007, $100,000,000 for fiscal year 2008, and $110,000,000 for fiscal year 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of title 23, United States Code, $325,000,000 for fiscal year 2004, $365,000,000 for fiscal year 2005, $390,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $420,000,000 for fiscal year 2008, and $420,000,000 for fiscal year 2009.

(B) PARK ROADS AND PARKWAYS.—For park roads and parkways roads under section 204 of that title, $170,000,000 for fiscal year 2004, $185,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $215,000,000 for fiscal year 2007, $225,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(C) PUBLIC LANDS HIGHWAY.—For public lands highway under section 204 of that title, $250,000,000 for fiscal year 2004, $260,000,000 for fiscal year 2005, $280,000,000 for fiscal year 2006, $280,000,000 for fiscal year 2007, $290,000,000 for fiscal year 2008, and $300,000,000 for fiscal year 2009.

(D) REFUGE ROADS.—For refuge roads under section 204 of that title, $20,000,000 for each of fiscal years 2004 through 2009.

(10) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the national corridor infrastructure improvement program under section 1301 of this title, $600,000,000 for fiscal year 2005, $600,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, $600,000,000 for fiscal year 2008, and $600,000,000 for fiscal year 2009.

(11) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1302 of this title, $200,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(12) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1304 of this title, $1,100,000,000 for fiscal year 2005, $1,100,000,000 for fiscal year 2006, $1,200,000,000 for fiscal year 2007, $1,300,000,000 for fiscal year 2008, and $1,300,000,000 for fiscal year 2009.

(13) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $45,000,000 for fiscal year 2006, $55,000,000 for fiscal year 2007, $55,000,000 for fiscal year 2008, and $60,000,000 for fiscal year 2009.

(14) DEPLOYMENT OF 511 TRAVELER INFORMATION PROGRAM.—For the 511 traveler information program under section 1204(c)(7) of this title, $6,000,000 for each of fiscal years 2005 through 2009.

(15) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $2,496,450,000 for fiscal year 2005, $2,244,550,000 for fiscal year 2006, $2,143,250,000 for fiscal year 2007, $2,192,450,000 for fiscal year 2008, and $2,050,450,000 for fiscal year 2009.

(16) FREIGHT INTERMODAL CONNECTOR PROGRAM.—For the freight intermodal connector program under section 1303 of this title, $421,000,000 for fiscal year 2005, $421,000,000 for fiscal year 2006, $421,000,000 for fiscal year 2007, $421,000,000 for fiscal year 2008, and $426,000,000 for fiscal year 2009.

(17) HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk rural road safety improvement program under section 1403 of this title, $105,000,000 for fiscal year 2005, $110,000,000 for fiscal year 2006, $120,000,000 for fiscal year 2007, $125,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(18) PEDESTRIAN AND CYCLIST EQUITY—SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1120(a) of this title, $175,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

In section 1103(a)(1) of the bill, strike the matter proposed to be inserted as section 104(a)(1) of title 23, United States Code, and insert the following:

''(1) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133 for a fiscal year, the Secretary shall deduct $390,000,000 for fiscal year 2004, $365,000,000 for fiscal year 2005, $395,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $395,000,000 for fiscal year 2008, and $400,000,000 for fiscal year 2009.

In the matter proposed to be inserted as section 104(a)(2) of title 23, United States Code, by section 1103(a)(1) of the bill, strike ''authorized to be appropriated'' and insert ''deducted''.

In section 1103(a) of the bill—

(1) insert ''and'' after the semicolon at the end of paragraph (1); and

(2) strike paragraphs (2) and (3) and insert the following:

(2) in paragraph (4) by striking ''and the Federal Motor Carrier Safety Administration''.

In section 1103(d) of the bill—

(1) redesignate paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) insert before paragraph (2) (as so redesignated) the following:

(1) in subsection (b) by striking ''set-aside authorized by subsection (f) '' and inserting ''set-asides authorized by subsections (f) and (m)'';

In section 1103 of the bill—

(1) redesignate subsections (d) and (e) as subsections (e) and (f) respectively; and

(2) insert after subsection (c) the following:

(d) SET-ASIDES.—Section 104 of such title is amended by adding at the end the following:

''(m) SET-ASIDES.—

''(1) HIGHWAY USE TAX EVASION PROGRAM.—Whenever an apportionment is made of the sums made available for expenditure on the National Highway System under section 103 for a fiscal year, the Secretary shall set aside for highway use tax evasion projects under section 143 of this title $12,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $30,000,000 for fiscal year 2006, $20,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and $7,000,000 for fiscal year 2009.

''(2) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Whenever an apportionment is made of the sums made available for expenditure on the National Highway System under section 103 for a fiscal year, the Secretary shall set aside for the Commonwealth of Puerto Rico highway program under section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209), $115,000,000 for fiscal year 2004, $125,000,000 for fiscal year 2005, $130,000,000 for fiscal year 2006, $130,000,000 for fiscal year 2007, $140,000,000 for fiscal year 2008, and $140,000,000 for fiscal year 2009.

''(3) DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.—Whenever an apportionment is made of the sums made available for expenditure on the National Highway System under section 103 for a fiscal year, the Secretary shall set aside for carrying out section 1117 of the Transportation Equity Act: A Legacy for Users, relating to deployment of magnetic levitation transportation projects, $15,000,000 for fiscal year 2005 and $20,000,000 for each of fiscal years 2006 through 2009.

''(4) CONGESTION PRICING PILOT PROGRAM.—Whenever an apportionment is made of the sums made available for expenditure on the congestion mitigation and air quality improvement program under section 149 for a fiscal year, the Secretary shall set aside for the congestion pricing pilot program under section 1209 of the Transportation Equity Act: A Legacy for Users $15,000,000 for fiscal year 2004, $15,000,000 for fiscal year 2005, $15,000,000 for fiscal year 2006, $15,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, and $15,000,000 for fiscal year 2009.

''(5) HIGHWAYS FOR LIFE PROGRAM.—Whenever an apportionment is made of the sums made available for expenditure on the Interstate maintenance program under section 119 for a fiscal year, the Secretary shall set aside for the Highways for LIFE program under section 1504 of the Transportation Equity Act: A Legacy for Users $55,000,000 for fiscal year 2005 and $60,000,000 for each of fiscal years 2006 through 2009.

''(6) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Whenever an apportionment is made of the sums made available for expenditure on the National Highway System under section 103 for a fiscal year, the Secretary shall set aside for construction of ferry boats and ferry terminal facilities under section 165 of this title $60,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $75,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, $75,000,000 for fiscal year 2008, and $75,000,000 for fiscal year 2009.

''(7) ITS DEPLOYMENT.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133 for a fiscal year, the Secretary shall set aside for carrying out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (112 Stat. 458; 112 Stat. 460), $100,000,000 for each of fiscal years 2004 and 2005.

''(8) SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133 for a fiscal year, the Secretary shall set aside for safety incentive grants for use of seat belts under section 157 of this title $112,000,000 for each of fiscal years 2004 and 2005.

''(9) SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133 for a fiscal year, the Secretary shall set aside for safety incentives to prevent operation of motor vehicles by intoxicated persons under section 163 of this title $110,000,000 for each of fiscal years 2004 and 2005.

''(10) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133 for a fiscal year, the Secretary shall set aside for the transportation and community and system preservation program under section 1221 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) $25,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $35,000,000 for fiscal year 2006, $35,000,000 for fiscal year 2007, and $35,000,000 for each of fiscal years 2008 and 2009.''.

In section 1103 of the bill, strike subsection (f) (as so redesignated), relating to the Puerto Rico highway program, and insert the following:

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209; 117 Stat. 1114; 118 Stat. 1149) is amended—

(1) in paragraph (1) by striking ''authorized by section 1101(a)(15) for each of fiscal years 1998 through 2005'' and inserting ''set aside by section 104(m)(2) of title 23, United States Code, for each of fiscal years 2004 through 2009''; and

(2) in paragraph (2) by striking ''made available by section 1101(a)(15) of this Act'' and inserting ''set aside by section 104(m)(2) of title 23, United States Code,''.

Strike section 1104 of the bill and insert the following:

SEC. 1104. MINIMUM GUARANTEE.

(a) GENERAL RULE.—Section 105(a) of title 23, United States Code, is amended—

(1) by striking ''1998 through 2003'' and inserting ''2004 through 2009'';

(2) by striking ''and recreational trails'' and inserting ''recreational trails, coordinated border infrastructure, freight intermodal connectors, safe routes to school, highway safety improvement, and high risk rural road safety improvement''; and

(3) by inserting ''(other than subsection (g))'' after ''under this section''.

(b) TREATMENT OF FUNDS.—Section 105(c)(1) of such title is amended—

(1) by striking ''$2,800,000,000'' and inserting ''$2,870,000,000 in fiscal year 2004, $2,941,750,000 in fiscal year 2005, $3,015,293,750 in fiscal year 2006, $3,090,676,094 in fiscal year 2007, $3,167,942,996 in fiscal year 2008, and $3,247,141,571 in fiscal year 2009''; and

(2) by striking ''and recreational trails'' each place it appears and inserting ''recreational trails, coordinated border infrastructure, freight intermodal connectors, safe routes to school, highway safety improvement, and high risk rural road safety improvement''.

(c) AUTHORIZATION.—Section 105(d) of such title is amended by striking ''1998 through 2003'' and inserting ''2004 through 2009''.

(d) SPECIAL RULE.—Section 105(e) of such title is amended to read as follows:

''(e) SPECIAL RULE.—Notwithstanding any other provision of this section, if, in any of fiscal years 2004 through 2009, the highest quotient obtained by dividing—

''(1) a State's percentage share of the total apportionments for such fiscal year for programs referred to in subsection (a) (other than minimum guarantee), by

''(2) the percentage for such State listed in subsection (b),

is greater than 1.3, the Secretary shall allocate to the State with the highest quotient the minimum apportionment specified in subsection (a). The apportionments for the programs referred to in subsection (a) for the State with the highest quotient, estimated tax payments to the Highway Trust Fund attributable to highway users referred to in

subsection (f) for such State, and percentage referred to in subsection (b) for such State shall be excluded from the computations required in subsection (f).''.

(e) GUARANTEED SPECIFIED RETURN.—Section 105(f) of such title is amended—

(1) in the subsection heading by striking ''OF 90.5'' and inserting ''SPECIFIED''; and

(2) in paragraph (1) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(f) EQUITY ADJUSTMENT.—Section 105 of such title is further amended by adding at the end the following:

''(g) EQUITY ADJUSTMENT.—

''(1) IN GENERAL.—For each of fiscal years 2004 through 2009, after making the allocations under subsection (a), the Secretary shall allocate among the States additional amounts sufficient to ensure that no State receives an allocation under this subsection and subsection (a) that in the aggregate is less than the amount the State would have received under subsection (a) had high priority projects not been included among the list of programs referred to in subsection (a). Any such additional allocations shall be excluded from the computations required in subsection (f).

''(2) RATE OF RETURN.—For each of fiscal years 2004 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that, for the aggregate of funds distributed under subsection (a), paragraph (1) of this subsection, and this paragraph, the rate of return, as defined in subsection (f)(1), is not less than 90.5. The special rule in subsection (e) shall not apply to the calculation made under this paragraph.''.

(g) CONFORMING AMENDMENTS.—

(1) SECTION 131.—Section 131(m) of title 23, United States Code, is amended by striking ''in accordance with the program of projects approval process of section 105'' and inserting ''in accordance with the approval process of section 106''.

(2) SECTION 140.—Section 140 of such title is amended—

(A) in subsection (a) by striking ''programs for projects as provided for in subsection (a) of section 105 of this title'' and inserting ''project under this chapter''; and

(B) in subsection (c) by striking ''subsection 104(b)(3) of this title'' and inserting ''section 104(b)(3)''.

(h) SCOPE ADJUSTMENT.—

(1) DETERMINATION OF SET-ASIDE.—Before allocating funds provided to carry out the program under section 1301 of this Act, the Secretary shall set aside an amount sufficient to ensure that the quotient obtained by dividing—

(A) the sum of—

(i) the amounts authorized for the programs identified in section 105(a) of title 23, United States Code,

(ii) the amounts authorized under section 105(g) of such title, and

(iii) the amount apportioned under this section, by

(B) the total contract authority authorized for the Federal-aid highway program,

equals 0.926.

(2) APPORTIONMENT OF FUNDS.—The amount set aside under paragraph (1) shall be added to the amount authorized for the Surface Transportation Program under Section 104(b)(3)(a) of title 23 U.S. Code and shall be included in the calculation of minimum guarantee under section 105(a) of such title.

(3) RESTORATION.—The Secretary shall make available such sums as may be necessary to restore to the funds made available to carry out the program under section 1301 an amount equal to the amount set aside under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(5) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

In section 1115 of the bill, after subsection (c) insert the following (and redesignate subsection (d) as subsection (e)):

(d) SET-ASIDE FOR TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.—Section 144(g) of such title is amended by adding at the end the following:

''(4) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.—Whenever an apportionment is made under subsection (e) of the sums made available for carrying out the bridge program under this section for a fiscal year, the Secretary shall set aside $130,000,000 for fiscal year 2004 and $140,000,000 for each of fiscal years 2005 through 2009 to carry out chapter 6 of title 23, United States Code.''.

In section 1116 of the bill, strike subsection (a) and redesignate subsequent subsections accordingly.

In section 1116(a) (as so redesignated), strike ''of such Act'' and insert ''of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 879; 118 Stat. 1149)''.

In section 1117 of the bill, strike subsections (d) and (e).

In section 1121(a)(3)(A) of the bill, strike ''and (C)'' and insert '', (C), and (D)''.

In section 1121(a)(3)(C) of the bill, strike the subparagraph designation and heading and insert the following:

(C) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

In section 1121(a)(3) of the bill, after subparagraph (C), insert the following (and redesignate the subsequent subparagraph accordingly):

(D) SET-ASIDE FOR NONMOTORIZED PILOT PROGRAM.—Before apportioning amounts made available to carry out this subsection under this paragraph and the set-aside under subparagraph (C) for a fiscal year, the Secretary shall set aside for the nonmotorized pilot program under subsection (b) of this section $25,000,000 for each of fiscal years 2005 through 2009.

In section 1121(b) of the bill, strike paragraph (4) and redesignate the subsequent paragraphs accordingly.

In section 1303(e) of the bill, before '', the Secretary'' insert ''after the deductions under subsection (i)''.

At the end of section 1303 of the bill, insert the following:

(i) DEDUCTIONS.—

(1) FREIGHT INTERMODAL DISTRIBUTION PILOT GRANT PROGRAM.—Whenever an apportionment is made of the sums made available for carrying out this section for a fiscal year, the Secretary shall deduct $6,000,000 for each of fiscal years 2005 through 2009 for the freight intermodal distribution pilot grant program under section 1307 of this Act.

(2) DEDICATED TRUCK LANES.—Whenever an apportionment is made of the sums made available for carrying out this section for a fiscal year, the Secretary shall deduct for dedicated truck lanes under section 1305 of this title $165,000,000 for each of fiscal years 2005 through 2008 and $170,000,000 for fiscal year 2009.

In section 1305 of the bill—

(1) in subsection (e) insert a comma after ''In this section'';

(2) strike subsection (d); and

(3) redesignate subsection (e) as subsection (d).

Strike section 1405 of the bill and insert the following:

SEC. 1405. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

Section 157(g) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting ''and'' after ''2002,'';

(2) in paragraph (1) by striking ''2003,'' and all that follows through ''2005'' and inserting ''2003'';

(3) in paragraph (2) by inserting ''or set aside for fiscal year 2004 or 2005 under section 104(m)(8)'' after ''paragraph (1)'';

(4) in paragraph (3)(B) by striking ''2005'' and inserting ''2003''; and

(5) in paragraph (3)(B) by inserting ''or the amounts set aside for any of fiscal years 2004 and 2005 under section 104(m)(8)'' after ''paragraph (1)''.

In section 1601(g) of the bill, strike the matter proposed to be inserted as section 188 of title 23, United States Code, and insert the following:

''§ 188. Special rules

''(a) AVAILABILITY.—Amounts made available to carry out this chapter shall remain available until expended.

''(b) ADMINISTRATIVE COSTS.—From funds made available to carry out this chapter, the Secretary may use, for the administration of this subchapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2004 through 2009, principal amounts of Federal credit instruments made available under this chapter shall be limited to $2,600,000,000.''.

In section 1406 of the bill, strike subsection (b) and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 163(f)(1) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(1) by inserting ''and'' after ''2002,''; and

(2) by striking '', $110,000,000 for fiscal year 2004'' and all that follows through ''2005''.

In section 1406 of the bill, add at the end the following:

(d) CONFORMING AMENDMENT.—Section 163(f)(2) of such title, as redesignated by subsection (a)(1) of this section, is amended by inserting after ''by this subsection'' the following: ''and the funds set aside to carry out this section''.

In section 1602(c) of the bill, strike the item relating to section 608 (relating to funding) and insert the following:

''608. Special rules.

In each of sections 1102(c)(4) and 1102(c)(5) of the bill, insert after ''paragraph (3)'' the following: ''or 0.932 in any case in which such ratio is less than 0.932 (except that the higher ratio shall not apply to the program under section 14501 of title 40, United States Code)''.

In section 1114(a) of the bill, redesignate paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and insert before paragraph (2) (as so redesignated) the following:

(1) in subsection (c)(1) by striking ''2003'' and inserting ''2005'';

In section 1114 of the bill, strike subsection (e) and insert the following:

(e) EFFECTIVE DATE.—The amendments made by paragraphs (2) through (4) of subsection (a) and by subsection (b) shall take effect on September 30, 2005.

In the matter proposed to be inserted as section 202(d)(3) of title 23, United States Code, by section 1119(a) of the bill, insert after subparagraph (C) the following (and redesignate subsequent subparagraphs accordingly):

''(D) SECRETARY AS SIGNATORY.—Notwithstanding any other provision of law, the Secretary is authorized to enter into a funding agreement with an Indian tribe or tribal government to carry out a highway, road,

bridge, parkway, or transit project under subparagraph (A) that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe.

In section 1119 of the bill, redesignate subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively, and insert after subsection (b) the following:

(c) BIA ADMINISTRATIVE EXPENSES.—Section 202(d)(2) of such title is further amended by adding at the end the following:

''(F) ADMINISTRATIVE EXPENSES.—Of the funds authorized to be appropriated for Indian reservation roads, $27,000,000 for fiscal year 2006, $28,000,000 for fiscal year 2007, $29,000,000 for fiscal year 2008, and $30,000,000 for fiscal year 2009 may be used by the Secretary of the Interior for program management oversight and project-related administrative expenses.''.

(d) BRIDGE PRECONSTRUCTION ACTIVITIES ELIGIBILITY.—Section 202(d)(4)(B) of such title is amended by adding at the end the following: ''Of the amount reserved under this paragraph for a fiscal year, not more than 15 percent may be used for preconstruction activities, such as engineering and design.''.

At the end of subtitle C of title I of the bill, insert the folllowing (and conform the table of contents of the bill):

SEC. 1307. FREIGHT INTERMODAL DISTRIBUTION PILOT GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a freight intermodal distribution pilot grant program.

(b) PURPOSES.—The purposes of the program established under subsection (a) shall be—

(1) to facilitate and support intermodal freight transportation initiatives at the State and local levels to relieve congestion and improve safety; and

(2) to provide capital funding to address infrastructure and freight distribution needs at inland ports and intermodal freight facilities.

(c) SELECTION PROCESS.—

(1) APPLICATIONS.—A State shall submit an application to the Secretary containing such information as the Secretary may require to receive funding under this section.

(2) PRIORITY.—In selecting projects to be funded under the pilot program, the Secretary shall give priority to projects that will—

(A) reduce congestion into and out of international ports located on the west coast of the United States;

(B) demonstrate ways to increase the likelihood that freight container movements involve freight containers carrying goods; and

(C) establish or expand intermodal facilities that encourage the development of inland freight distribution centers.

(d) ELIGIBLE PROJECTS.—Funds made available under this section shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall help relieve congestion, improve transportation safety, facilitate international trade, and encourage public-private partnership. Such projects may include developing and constructing intermodal freight distribution and transfer facilities at inland ports.

(e) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects assisted under this section shall be treated as projects on a Federal-aid system under such chapter.

In section 1809 of the bill, strike subsection (d) and insert the following:

(d) CONSTRUCTION WORK IN ALASKA.—Section 114 of title 23, United States Code, is amended by adding at the end of the following:

''(c) CONSTRUCTION WORK IN ALASKA.—

''(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a highway or portion of a highway located on a Federal-aid system in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.

''(2) LODGING.—The lodging under paragraph (1) shall be in accordance with section 1910.142 of title 29, Code of Federal Regulations (relating to temporary labor camp requirements).

''(3) PER DIEM.—

''(A) IN GENERAL.—Contractors are encouraged to use commercial facilities and lodges on remote projects, but, if such facilities are not available, per diem in lieu of room and lodging may be paid on remote Federal highway projects at a basic rate of $75.00 per day or part thereof the worker is employed on the project. If the contractor provides or furnishes room and lodging or pays a per diem, the cost of the amount shall not be considered a part of wages, but shall be excluded therefrom.

''(B) SECRETARY OF LABOR.—Such per diem rate shall be adopted by the Secretary of Labor for all applicable remote Federal highway projects in Alaska.

''(C) EXCEPTION.—Per diem shall not be allowed on any of the following remote projects for the construction of a highway or portion of a highway located on a Federal-aid system:

''(i) West of Livengood on the Elliot Highway.

''(ii) Mile 0 on the Dalton Highway to the North Slope of Alaska; north of Mile 20 on the Taylor Highway.

''(iii) East of Chicken on the Top of the World Highway and south of Tetlin Junction to the Alaska Canadian border.

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) REMOTE.—The term 'remote', as used with respect to a project, means that the project is 65 miles or more from the United States Post Office in either Fairbanks or Anchorage, Alaska, or is inaccessible by road in a 2-wheel drive vehicle.

''(B) RESIDENT.—The term 'resident', as used with respect to a project, means a person living within 65 miles of the midpoint of the project for at least 12 consecutive months prior to the award of the project.''.

In section 1822(8) strike ''and'' the last place it appears.

In section 1822 of the bill, after paragraph (3), insert the following:

(4) in item number 566 by striking ''Prunedale Bypass'' and inserting ''improvements to Prunedale'';

(5) in item number 744 by striking ''Preliminary'' and all that follows through ''Fitchburg'' and inserting ''Design, construction or reconstruction, and right of way acquisition for roadway improvements along the Route 12 corridor in Leominster and Fitchburg to enhance access from Route 2 to North Leominster and downtown Fitchburg'';

Redesignate subsequent paragraphs of section 1822 accordingly.

At the end of title I of the bill, insert the following (and conform the table of contents accordingly):

SEC. 1838. INCLUSION OF CERTAIN ROUTE SEGMENTS ON THE INTERSTATE SYSTEM.

Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 118 Stat. 293) is amended—

(1) in subparagraph (A) by striking ''and subsection (c)(45)'' and inserting ''subsection (c)(45), and subsection (c)(57)''; and

(2) by adding the following at the end of subparagraph (B)(i): ''The route referred to in subsection (c)(57) is designated as Interstate Route I–41.''.

SEC. 1839. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—On September 30, 2009, $12,000,000,000 of the unobligated balances of funds apportioned before such date to the States for the Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation (other than the STP set-aside programs), metropolitan planning, minimum guarantee, Appalachian development highway system, recreational trails, safe routes to school, freight intermodal connectors, coordinated border infrastructure, high risk rural road, and highway safety improvement programs, and each of the STP set-aside programs, is rescinded.

(b) ALLOCATION AMONG STATES.—The Secretary shall determine each State's share of the amount to be rescinded by subsection (a) on September 30, 2009, by multiplying $12,000,000,000 by the ratio of the aggregate amount apportioned to such State for fiscal years 2004 through 2009 for all the programs referred to in subsection (a) to the aggregate amount apportioned to all States for such fiscal years for those programs.

(c) CALCULATIONS.—To determine the allocation of the amount to be rescinded for a State under subsection (b) among the programs referred to in subsection (a), the Secretary shall make the following calculations:

(1) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate amount of unobligated funds available to the State on September 30, 2009, for each such program bears to the aggregate amount of unobligated funds available to the State on September 30, 2009, for all such programs.

(2) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate of the amount apportioned to the State for each such program for fiscal years 2004 through 2009 bears to the aggregate amount apportioned to the State for all such programs for fiscal years 2004 through 2009.

(d) ALLOCATION AMONG PROGRAMS.—

(1) IN GENERAL.—The Secretary, in consultation with the State, shall rescind for the State from each program referred to in subsection (a) the amount determined for the program under subsection (c)(1).

(2) SPECIAL RULE.—

(A) RESTORATION OF FUNDS FOR COVERED PROGRAMS.—If the rescission calculated under subsection (c)(1) for a covered program exceeds the amount calculated for the covered program under subsection (c)(2), the State shall immediately restore to the apportionment account for the covered program from the unobligated balances of programs referred to in subsection (a) (other than covered programs) the amount of funds required so that the net rescission from the covered program does not exceed the amount calculated for the covered program under subsection (c)(2).

(B) TREATMENT OF RESTORED FUNDS.—Any funds restored under subparagraph (A) shall be deemed to be the funds that were rescinded for the purposes of obligation.

(3) COVERED PROGRAM DEFINED.—In paragraph (2), the term ''covered program'' means a program authorized under sections 130 and 152 of title 23, United States Code, paragraph (1), (2), or (3) of section 133(d) of that title, section 144 of that title, section 149 of that title, or section 1121(a) of this Act.

(e) TREATMENT OF SAFETY PROGRAMS.—In making calculations under subsections (c)(1), (c)(2), and (d)(2), the Secretary shall treat the STP set-aside program for safety programs and the highway safety improvement program as a single program.

(f) STP SET-ASIDE PROGRAM DEFINED.—In this section, the term ''STP set-aside program'' means the amount set aside under section 133(d) of title 23, United States Code, for each of the safety programs, transportation enhancement activities, and division between urbanized areas of over 200,000 population and other areas.

At the end of title II of the bill, insert the following:

SEC. 2013. DRUG IMPAIRED DRIVING ENFORCEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Drug Impaired Driving Research and Prevention Act''.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812(e)).

(2) DRUG RECOGNITION EXPERT.—The term ''drug recognition expert'' means an individual trained in a specific evaluation procedure that enables the person to determine whether an individual is under the influence of drugs and then to determine the type of drug causing the observable impairment.

(c) MODEL STATUTE.—

(1) IN GENERAL.—The Secretary shall develop a model statute for States relating to drug impaired driving.

(2) CONTENTS.—The model statute shall include—

(A) threshold levels of impairment for a controlled substance;

(B) practicable methods for detecting the presence of controlled substances; and

(C) penalties for drug impaired driving.

(3) RECOMMENDATIONS.—The model statute shall be based on the recommendations contained in the report submitted under subsection (f).

(4) DATE.—The model statute should be provided to States no later than 1 year after submission of the report contained in subsection (f).

(d) RESEARCH AND DEVELOPMENT.—Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

''(5) New technology to detect drug use.

''(6) Research and development to improve testing technology, including toxicology lab resources and field test mechanisms to enable States to process toxicology evidence in a more timely manner.

''(7) Determining per se unlawful impairment levels for controlled substances and the compound effects of alcohol and controlled substances on impairment to facilitate enforcement of per se drug impaired driving laws. Research under this paragraph shall be carried out in collaboration with the National Institute on Drug Abuse of the National Institutes of Health.''.

(e) DUTIES.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

(f) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institutes of Health shall submit to the Secretary and to Congress a report on the problem of drug-impaired driving.

(2) CONTENTS.—The report shall include—

(A) a description of the extent of the problem of driving under the influence of an illegal drug in each State and any available information relating thereto, including a description of any laws relating to the problem of driving under the influence of an illegal drug;

(B) an assessment of the status of drug impaired driving laws in the United States;

(C) a review of the compound effects of alcohol and controlled substances on impairment;

(D) the role of drugs as a causal factor in traffic crashes;

(E) an assessment of new research and technologies developed in the area of drug detection for drug-impaired driving enforcement, including noninvasive methods of detection;

(F) recommendations for addressing the problem of driving under the influence of an illegal drug, including recommendations on levels of impairment;

(G) a State-by-State review of drug recognition expert programs and recommendations for enhancing those programs through the training and utilization of drug recognition experts; and

(H) recommendations for developing a model statute relating to drug-impaired driving.

(g) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, for fiscal years 2006 through 2009, the Secretary shall use $1,200,000 per fiscal year to carry out this section.

SEC. 2014. TRANSPORTATION OF SCHOOL-CHILDREN.

The third sentence of section 402(a) of title 23, United States Code, is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period at the end the following: '', and (7) to prevent use of any motor vehicle designed to transport between 9 and 15 passengers (including the driver) for the transportation of children to and from school and events related to school''.

SEC. 2015. RURAL STATE EMERGENCY MEDICAL SERVICES OPTIMIZATION PILOT PROGRAM.

(a) IN GENERAL.—From funds made available to carry out section 403 of title 23, United States Code, for fiscal year 2006, the Secretary shall make $1,000,000 available to conduct a pilot program for optimizing Emergency Medical Services (EMS) in a rural State.

(b) COLLECTING DATA.—The pilot program shall focus on collecting geo-coded data for highway accidents and resulting injuries, analyzing data to develop injury patterns and distributions, and improving placement and management of EMS resources and personnel.

(c) SELECTION.—The Secretary shall enter into an agreement with the State of Alaska to conduct the pilot program.

(d) REPORT.—Not later than 12 months after the completion of the pilot program, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the pilot program and recommendations for application to other rural States.

SEC. 2016. STATE APPORTIONMENTS.

Section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and insert ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

In the matter proposed to be inserted as section 5308(d) of title 49, United States Code, by section 3009 of the bill, strike ''35'' and insert ''25''.

In the first sentence of the matter proposed to be inserted as section 5309(d)(1) of title 49, United States Code, by section 3010(d) of the bill, after ''$25,000,000,'' insert the following: ''and the total estimated net capital cost of the project is less than $200,000,000,''.

In the matter proposed to be inserted as section 5317(c)(3)(A)(i) of title 49, United States Code, by section 3018(a) of the bill, strike ''in other than urbanized areas of the State''.

In section 3023(g)(5), strike the subparagraph designation and heading for subparagraph (B) and insert the following:

(B) DEFINITIONS.—

In section 3023(g)(5)(B)—

(1) strike ''the term'' the first place it appears and insert ''the terms'';

(2) insert '','negotiated procurement', and 'contractor' '' before ''for purposes of''; and

(3) strike ''the term'' the second place it appears and insert ''the terms'' .

At the end of section 3023(g)(5), insert the following:

(C) POST-AWARD WAIVERS.—To permit a grantee to request a non-availability waiver from the Buy America requirements under section 661.7c of title 49, Code of Federal Regulations, after contract award in any case in which the contractor has made a certification of compliance with the requirements in good faith.

(D) CERTIFICATION UNDER NEGOTIATED PROCUREMENT PROCESS.—In any case in which a negotiated procurement process is used, compliance with the Buy America requirements shall be determined on the basis of the certification submitted with the final offer.

At the end of section 3023, add the following:

(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) is amended—

(1) by striking ''(including clean fuel or alternative fuel vehicle-related equipment)''; and

(1) by inserting ''or facilities'' after ''equipment'' each place it occurs.

(j) ALTERNATIVE FUELING FACILITIES.—Section 5323 is futher amended by adding at the end the following:

''(p) ALTERNATIVE FUELING FACILITIES.—A recipient of assistance under this chapter may allow the incidental use of Federally funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

''(1) the incidental use does not interfere with the recipient's public transportation operations;

''(2) all costs related to the incidental use are fully recaptured by the recipient from the nontransit public entity or private entity;

''(3) the recipient uses revenues received from the incidental use in excess of costs for eligible projects under this chapter; and

''(4) private entities pay all applicable excise taxes on fuel.''.

At the end of the matter proposed to be inserted in section 5325 of title 49, United States Code, by section 3025(a)(1) of the bill, strike the closing quotation marks and the final period and insert the following:

''(i) BUS DEALER REQUIREMENTS.—No State law requiring buses to be purchased through in-State dealers shall apply to vehicles purchased with a grant under this chapter. ''.

In section 3037(a)(10), strike ''$20,000,000'' and insert ''$24,084,000''.

In section 3037(a)(22), strike ''$12,211,061'' and insert ''$12,651,061''.

After section 3037(b)(13), insert the following:

(____) Nashua—Commuter Rail.

In section 3037(b)(21), strike ''Center Line LRT'' and insert ''Rapid Transit Project''.

Redesignate the paragraphs in section 3037(b) accordingly.

In section 3037(c), before paragraph (1) insert the following:

(____) Alameda, California—Fixed Guideway Corridor Project.

Strike section 3037(c)(7) and insert the following:

(____) Atlanta—West Line I–20 Corridor Project.

In section 3037(c)(10), strike ''Regional'' and insert ''Urban''.

In section 3037(c)(11), strike ''Baltimore Light Rail System Extensions'' and insert ''Baltimore—Red Line Transit Project''.

After section 3037(c)(11), insert the following:

(____) Baltimore—Green Line Transit Project.

(____) Baton Rouge—Bus Rapid Transit.

After section 3037(c)(18), insert the following:

(____) Bridgeport, Connecticut—Bridgeport Intermodal Facility.

In section 3037(c)(25), strike ''-West''.

After section 3037(c)(25), insert the following:

(____) Charlotte—West Corridor Project.

After section 3037(c)(53), insert the following:

(____) Florence-Myrtle Beach-Charleston, South Carolina—High Speed Rail Corridor.

After section 3037(c)(61), insert the following:

(____) Harrisburg, Pennsylvania—Corridor One MOS–2 (East Mechanicsburg to Carlisle).

(____) Henderson-Las Vegas-North Las Vegas—Regional Fixed Guideway Project.

After section 3037(c)(101), insert the following:

(____) Minneapolis-St. Paul-Hinckley, Minnesota—Rush Line Corridor.

Strike section 3037(c)(105).

After section 3037(c)(110), insert the following:

(____) New Bedford-Fall River, Massachusetts—Commuter Rail Extension.

After section 3037(c)(148), insert the following:

(____) Sacramento—Downtown Streetcar Project.

After section 3037(c)(154), insert the following:

(____) Salt Lake-Provo—Commuter Rail Extension.

After section 3037(c)(158), insert the following:

(____) San Diego—San Diego Imperial County Mag-Lev Rail Airport Corridor Project.

Strike section 3037(c)(174).

After section 3037(c)(180), insert the following:

(____) Stamford, Connecticut—Boston Post Road Intermodal Center and Capacity Expansion Project.

Redesignate the paragraphs in section 3037(c) accordingly.

After section 3042, insert the following (and redesignate subsequent sections and conform the table of contents accordingly):

SEC. 3043. FORGIVENESS OF GRANT AGREEMENT.

Notwithstanding any other provision of law (including any regulation), any outstanding balances on the following grant agreements made to the Lane County Transit District, Oregon, do not have to be repaid:

(1) Federal Contract Number OR–03–0087.

(1) Federal Contract Number OR–90-X094.

In section 4113(a) of the bill, before the closing quotation marks, insert the following:

''§ 31162. Operators registered in Mexico and Canada

''No operator of a commercial motor vehicle (as defined in section 31101) licensed in Mexico or Canada may operate in the United States a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to the background records check required of operators of commercial motor vehicles licensed in the United States to transport hazardous materials.

In section 4113(b) of the bill, insert before the closing quotation marks the following:

''31162. Operators registered in Mexico and Canada.

In section 4129 of the bill, strike ''State licensed'' and all that follows through the final period at the end and insert: ''State licensed or certified Mental Health counselors, State licensed or certified marriage and family therapists, or addiction specialists certified by the American Academy of Health Care Providers in the Addictive Disorders to act as substance abuse professionals under subpart O of part 40 of title 49, Code of Federal Regulations.''.

Strike section 4130 and insert the following:

SEC. 4130. INTERSTATE VAN OPERATIONS.

The Federal motor carrier safety regulations that apply to Interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all Interstate operations of such carriers regardless of the distance traveled.

At the end of subtitle A of title IV of the bill, insert the following:

SEC. 4137. TRUCKLOAD FUEL SURCHARGE.

(a) IN GENERAL.—Chapter 137 of title 49, United States Code, is amended by adding at the end the following:

''§ 13714. Fuel surcharge

''(a) REQUIREMENT FOR FUEL SURCHARGE.—Any contract or agreement, providing for truckload transportation or service involving a motor carrier, broker, or freight forwarder subject to jurisdiction under chapter 135 of this title that regularly provides such transportation or service, shall include a requirement that the payer of transportation charges pay a fuel surcharge that is no less than the amount of the Increased Cost of Fuel as determined under subsection (c).

''(b) IMPLEMENTATION.—The surcharge required by subsection (a)—

''(1) shall apply during any period in which the Current Diesel Fuel Price surpasses, by $0.05 per gallon of diesel fuel, the Benchmark Price determined under subsection (c);

''(2) shall expire when the Current Diesel Fuel Price equals or is less than $0.05 above the Benchmark Price set forth in subsection (c);

''(3) shall be calculated on the date the applicable shipment is physically tendered to the motor carrier, broker, or freight forwarder;

''(4) shall be itemized separately on the invoices of the motor carrier, broker, or freight forwarder;

''(5) shall be paid to the motor carrier, broker, or freight forwarder by the payer of transportation charges;

''(6) shall not apply to any transportation contract or agreement, in effect on the date of enactment of this section, that provides for a fuel cost adjustment or surcharge; and

''(7) may be expressed on a mileage basis, as a percentage of the freight charge, or in any other manner the motor carrier, broker, or freight forwarder elects.

''(c) CALCULATION OF INCREASED COST OF FUEL.—

''(1) INCREASED COST OF FUEL.—For purposes of this section, the Increased Cost of Fuel shall be the amount determined by subtracting the Benchmark Price from the Current Diesel Fuel Price and then multiplying the difference by the number of gallons of diesel fuel used in the transportation or service provided.

''(2) BENCHMARK PRICE.—For purposes of this section, the following apply:

''(A) INITIAL PRICE.—For the period beginning on the date of enactment of this section and ending immediately before the effective date of the first adjusted Benchmark Price under subparagraph (B), the Benchmark Price shall be $1.10 per gallon of diesel fuel.

''(B) SUBSEQUENT ADJUSTMENTS.—During each calendar year subsequent to the calendar year of enactment of this section, the Secretary of Transportation shall adjust the Benchmark Price by the percentage change in the previous calendar year's Annual Truckload Producer Price Index as determined by the Department of Labor and shall publish that adjusted Benchmark Price in the Federal Register. The effective date of each adjusted Benchmark Price shall be the first day of the month following the date of such publication.

''(3) CURRENT DIESEL FUEL PRICE.—For purposes of this section, the Current Diesel Fuel Price shall—

''(A) be the latest weekly average price for retail on-highway diesel fuel published by the Energy Information Administration for the Petroleum Administration for Defense district or subdistrict where a shipment is physically tendered to the motor carrier, broker, or freight forwarder; and

''(B) take effect the midnight after the weekly average price is published.

''(4) AMOUNT OF FUEL USED.—In calculating the number of gallons of diesel fuel used in providing transportation or service under paragraph (1)—

''(A) it shall be assumed that a gallon of diesel fuel is used for each 5 miles of transportation; and

''(B) the mileage of the transportation or service provided shall be the number of miles as determined under the 'Defense Table of Official Distances' issued by the Surface Deployment and Distribution Command, Department of Defense or under any applicable mileage guide established under section 13703(a)(1)(D).

''(d) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, any action to enforce this section may only be brought by the motor carrier, broker, or freight forwarder that provided the transportation services against the payor of the transportation charges or by the payor of the transportation charges against the motor carrier, broker, of freight forwarder that provided the transportation services. In such action, a court shall have the authority to determine whether a fuel surcharge required under this section has been assessed or paid. A court shall not have the authority in such action to review any other charges imposed by the provider of the transportation services. Notwithstanding the publication of the Benchmark Price under subsection (c)(2), neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this section.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) PAYER OF TRANSPORTATION CHARGES.—The term 'payer of transportation charges' means any person who pays for the transportation or service involved.

''(2) PERSON RESPONSIBLE FOR PAYING FOR FUEL.—The term 'person responsible for paying for fuel' means any person who bears the cost of fuel used for the transportation or service involved.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''13714. Fuel surcharge.''.

(c) CONFORMING AMENDMENT.—Section 14102 of title 49, United States Code is amended by adding at the end the following:

''(c) MANDATORY PASS-THROUGH TO COST BEARER.—

''(1) IN GENERAL.—A motor carrier, broker, or freight forwarder providing transportation or service using fuel not paid for by it—

''(A) shall pass through to the person responsible for paying for fuel any fuel surcharge or adjustment required pursuant to section 13714 or provided for in a transportation contract or agreement at the same time payment for the transportation or service is made to the person responsible for paying for fuel;

''(B) shall disclose in writing to the person responsible for paying for fuel the amount of all freight rates, charges, and fuel surcharges applicable to that transportation or service; and

''(C) may not reduce, for the purpose of adjusting for or avoiding the pass-through of a fuel surcharge, nonfuel related compensatory transportation payments to the person responsible for paying for fuel.

''(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, the person responsible for paying for fuel may bring an action to enforce this subsection under section 14704 against the motor carrier, freight forwarder, or broker providing the transportation services with vehicles not owned by it or with fuel not paid for by it. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this subsection.''.

In the matter proposed to be inserted as section 507 of title 23, United States Code, by section 5203 of the bill—

(1) in subsection (e)(2) strike ''and develop'' and insert ''develop'';

(2) in subsection (e)(2) insert ''; expand research and thinking on the uses for and vegetation of transportation corridors in the United States; expand research efforts aimed at understanding wildlife movement near corridors, roadkill rates, and road-barrier effects and at developing efficient mitigation designs for road crossing by animals; catalyze research on the effects of corridors and traffic on adjoining land, including traffic disturbance and the spread of invasive species; conduct further research on means of restoring natural hydrologic and sediment flows and distributions in the vicinity of roads; expand research on transportation's effects on water quality, aquatic ecosystems, and fish in various bodies of water and on ecologically effective solutions; support, expand, and initiate research on the ecological effects of air pollutants from roads and vehicles at the roadside, neighborhood, regional, and global levels; develop road-network models and approaches for reducing habitat fragmentation, population extinction, wildlife-corridor, and remote-area impacts; foster collaborative landscape-wide environmental analyses by engineers, ecologists, and planners, with an emphasis on combining ecological solutions with other societal objectives; and stimulate research on understanding public preferences for improvements in natural systems of both short- and long-term significance to society'' after ''enhancement measures'';

(3) in subsection (e)(3) strike ''and develop'' and insert ''develop'';

(4) in subsection (e)(3) insert ''; develop operational definitions and indicators for environmental justice and social equity as the concepts pertain to transportation; develop and demonstrate methods that can be used to display the incidence of transportation project and program effects, both beneficial and adverse, and develop improved methods for evaluating costs and benefits when they are not evenly distributed, including environmental and social justice impact criteria in system performance measures used in transportation planning and investment decisions; continue and expand studies on the comparative costs of transportation and the effects of different development patterns, particularly for economically disadvantaged communities; and develop and test new methods for integrating public involvement into transportation analysis and decision-making, and examine the implications of emerging citizen coalitions for environmental and social justice'' after ''conflict resolution'';

(5) in subsection (e)(4) strike ''and'' the last place it appears;

(6) in subsection (e)(4) insert ''; and analyze user response to and future demand for environmentally beneficial vehicles, fuels, and mobility services, such as the demand for and use of new environmentally beneficial vehicles and fuels'' after ''new technologies'';

(7) in subsection (e)(5) strike ''and develop'' and insert ''develop'';

(8) in subsection (e)(5) insert ''; continue and expand research on the impacts of transportation facilities; and assess and compare alternative transportation and land use strategies, such as models for regional cooperation'' after ''systematic fashion'';

(9) in subsection (e)(6) strike ''and develop'' and insert ''develop''; and

(10) in subsection (e)(6) insert ''; develop a more effective understanding of the perceptions and priorities of the transportation system's customers (users and taxpayers); develop a more effective understanding of the nature of personal travel, as well as associated trends and decision processes; develop a more effective understanding of the nature of commercial travel and the freight industry, as well as associated trends and decision processes, including key trends such as e-commerce and e-freight; develop a more effective understanding of the role of transportation services and facilities in the economy; develop techniques for identifying community aspirations and crafting community and regional visions related to transportation planning; develop tools that incorporate the complex dynamics of travel behavior, and develop the reliable data sets needed for these models; and develop methods and institutional structures for integrating transportation planning, programming, design, and operation'' after ''determine effectiveness''.

At the end of section 5204 of the bill, insert the following:

(f) TURNER-FAIRBANK FACILITY.—Of the funds made available to carry out section 5101(a)(1), $1,000,000 shall be made available by the Secretary for each of fiscal years 2005 through 2008 to provide for physical demonstrations of the ongoing work at the Turner-Fairbanks facility with respect to ultra-high performance concrete with ductility.

In section 5205(h)(3) of the bill, strike ''$3,000,000'' and insert ''$3,500,000''.

At the end of section 5215 of the bill, insert the following:

(d) AUTHORIZATION.—From the amounts made available in section 5101(a)(1), $500,000 shall be available for each of fiscal years 2005 through 2009 to carry out this section.

In section 5251(a) of title 49, United States Code, as proposed to be added by section 6002 of the bill, strike ''section'' and insert ''subchapter''.

At the end of subtitle B of title V of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 5216. HAZARDOUS MATERIALS RESEARCH PROJECTS.

(a) IN GENERAL.—The Administrator of the Pipeline and Hazardous Materials Safety Administration shall enter into a contract with the National Academy of Sciences to carry out the 9 research projects called for in the 2005 Special Report 283 of the Transportation Research Board entitled ''Cooperative Research for Hazardous Materials Transportation: Defining the Need, Converging on Solutions''. In carrying out the research projects, the National Academy of Sciences shall consult with the Administrator.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the need to establish a cooperative research program on hazardous materials transportation.

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

At the end of subtitle D of title V of the bill, insert the following:

SEC. 5403. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''Build an'' and inserting ''Build or integrate an'';

(B) by striking ''$2,000,000'' and inserting ''$2,500,000'';

(C) by striking ''300,000 and that'' and inserting a comma; and

(D) by inserting before the period at the end the following: '', and includes major transportation corridors serving that metropolitan area'';

(2) in subparagraph (C)(ii) by striking ''by July 1, 2002'' and inserting ''by 6 months after the date of enactment of the Transportation Equity Act: A Legacy for Users''; and

(3) in subparagraph (E) by striking clause (ii) and inserting the following:

''(ii) The term 'follow-on deployment areas' means the metropolitan areas of Albany, Atlanta, Austin, Baltimore, Birmingham, Boston, Burlington, Charlotte, Chicago, Cleveland, Columbus, Dallas/Ft. Worth, Denver, Detroit, Greensboro, Hartford, Houston, Indianapolis, Jacksonville, Kansas City, Las Vegas, Los Angeles, Louisville, Miami, Milwaukee, Minneapolis- St. Paul, Nashville, New Orleans, New York/Northern New Jersey, Norfolk, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Raleigh, Richmond, Sacramento, Salt Lake, San Diego, San Francisco, San Jose, St. Louis, Seattle, Tampa, Tucson, Tulsa, and Washington, District of Columbia.''; ''.

In title VII of the bill, strike section 7005. Redesignate subsequent sections of title VII, and conform the table of contents, accordingly.

In section 7009(e), strike ''Pipelines'' and insert ''Pipeline''.

At the end of title VII of the bill, insert the following:

SEC. 7028. NATIONAL FIRST RESPONDER TRANSPORTATION INCIDENT RESPONSE SYSTEM.

(a) IN GENERAL.—The Secretary shall provide funding to the Operation Respond Institute to design, build, and operate a seamless first responder hazardous materials incident detection, preparedness, and response system.

(b) EXPANSION.—This system shall include an expansion of the Operation Respond Emergency Information System (OREIS).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $2,500,000 for each of fiscal years 2005 through 2007.

SEC. 7029. COMMON CARRIER PIPELINE SYSTEM.

(a) STUDY.—The Secretary shall conduct a study of the economic, environmental, and

homeland security advantages and disadvantages of operating a common carrier pipeline system in the States of Texas, Louisiana, Mississippi, and Alabama for the transportation of aromatic chemicals.

(b) EVALUATION.—In conducting the study, the Secretary shall evaluate the appropriateness of different Federal incentives for the construction and operation of such a pipeline system, including loan guarantees, other types of financial assistance, and various types of tax incentives.

(c) REPORT.—Not later than December 31, 2005, the Secretary shall transmit to Congress a report on the results of the study, including recommendations, if any, for legislation.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IX—RAIL PROVISIONS

SEC. 9101. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.

(a) CORRIDOR DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by striking ''**planning**'' and inserting ''**development**'';

(B) in the heading of subsection (a), by striking ''PLANNING'' and inserting ''DEVELOPMENT'';

(C) by striking ''corridor planning'' each place it appears and inserting ''corridor development'';

(D) in subsection (b)(1)—

(i) by inserting '', or if it is an activity described in subparagraph (M)'' after ''high-speed rail improvements'';

(ii) by striking ''and'' at the end of subparagraph (K);

(iii) by striking the period at the end of subparagraph (L) and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(M) the acquisition of locomotives, rolling stock, track, and signal equipment.''; and

(E) in subsection (c)(2), by striking ''planning'' and inserting ''development''.

(2) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by striking ''planning'' and inserting ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended to read as follows:

''§ 26104. Authorization of appropriations

''(a) FISCAL YEARS 2006 THROUGH 2013.—There are authorized to be appropriated to the Secretary—

''(1) $70,000,000 for carrying out section 26101; and

''(2) $30,000,000 for carrying out section 26102,

for each of the fiscal years 2006 through 2013.

''(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.''.

TITLE X—TAX PROVISIONS

SEC. 10001. SHORT TITLE.

This title may be cited as the ''Highway Reauthorization Tax Act of 2005''.

SEC. 10002. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUNDS.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''2005'' each place it appears and inserting ''2011'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels).

(C) Section 4041(m)(1) (relating to certain alcohol fuels).

(D) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(G) Section 4481(f) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended—

(A) by striking ''2005'' each place it appears and inserting ''2011'', and

(B) by striking ''2006'' each place it appears and inserting ''2012''.

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions of such Code are each amended by striking ''2005'' and inserting ''2011'':

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(h) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO TRUST FUNDS.—

(1) IN GENERAL.—Paragraphs (1) and (2) of subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 of such Code (relating to the Highway Trust Fund) are each amended—

(A) by striking ''2005'' each place it appears and inserting ''2011'', and

(B) by striking ''2006'' each place it appears and inserting ''2012''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) of such Code are each amended by striking ''2005'' and inserting ''2011''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(i) by striking ''2003'' and inserting ''2009'', and

(ii) by striking ''2004'' each place it appears and inserting ''2010''.

(d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUNDS.—

(1) HIGHWAY TRUST FUND.—

(A) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) of such Code is amended—

(i) in the matter before subparagraph (A), by striking ''June 1, 2005'' and inserting ''October 1, 2009'',

(ii) by striking ''or'' at the end of subparagraph (J),

(iii) by striking the period at the end of subparagraph (K) and inserting '', or'',

(iv) by inserting after subparagraph (K) the following new subparagraph:

''(L) authorized to be paid out of the Highway Trust Fund under the Transportation Equity Act: A Legacy for Users.'', and

(v) in the matter after subparagraph (L), as added by clause (iv), by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(B) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(i) in the matter before subparagraph (A), by striking ''June 1, 2005'' and inserting ''October 1, 2009'',

(ii) by striking ''or'' at the end of subparagraph (H),

(iii) by inserting ''or'' at the end of subparagraph (I),

(iv) by inserting after subparagraph (I) the following new subparagraph:

''(J) Transportation Equity Act: A Legacy for Users,'', and

(v) in the matter after subparagraph (J), as added by clause (iv), by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(C) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''June 1, 2005'' and inserting ''October 1, 2009''.

(2) AQUATIC RESOURCES TRUST FUND.—

(A) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of such Code is amended by striking ''Surface Transportation Extension Act of 2004, Part V'' each place it appears and inserting ''Transportation Equity Act: A Legacy for Users''.

(B) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(i) by striking ''June 1, 2005'' and inserting ''October 1, 2009'', and

(ii) by striking ''Surface Transportation Extension Act of 2004, Part V'' and inserting ''Transportation Equity Act: A Legacy for Users'' .

(C) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''June 1, 2005'' and inserting ''October 1, 2009''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 10003. TECHNICAL CORRECTIONS REGARDING HIGHWAY-RELATED TAXES.

(a) AMENDMENTS RELATED TO SECTION 301 OF THE AMERICAN JOBS CREATION ACT OF 2004.—Section 6427 of such Code is amended—

(1) by striking subsection (f), and

(2) by striking subsection (o) and redesignating subsection (p) as subsection (o).

(b) AMENDMENTS RELATED TO SECTION 853 OF THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) Subparagraph (C) of section 4081(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''for use in commercial aviation'' and inserting ''for use in commercial aviation by a person registered for such use under section 4101''.

(2) So much of paragraph (2) of section 4081(d) of such Code as precedes subparagraph (A) is amended to read as follows:

''(2) AVIATION FUELS.—The rates of tax specified in clauses (ii) and (iv) of subsection (a)(2)(A) shall be 4.3 cents per gallon—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

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

This is a bipartisan amendment, submitted by the gentleman from Minnesota (Mr. OBERSTAR) and me, and I urge the passage of the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I support the manager's amendment. It is a delicate balance which we have reached, and we need to pass it now.

Mr. EHLERS. Chairman YOUNG and Ranking Member OBERSTAR have done an impressive job moving the transportation reauthorization so quickly in the 109th Congress. With this summer's construction season nearly upon us, it is critical that we enact a strong transportation bill prior to the current extension's expiration—May 31, 2005. It's just as critical that this legislation be fair for all States. That's why I've supported efforts to increase the rate-of-return in the minimum guarantee to 95 percent.

Keeping the scope of programs covered by TEA 21's Minimum Guarantee calculation at the TEA 21 level of 92.6 percent is an essential part of achieving improved highway funding equity.

Keeping the scope in TEA–LU consistent with current law will provide more funding to my State's core programs and help address the funding inequities for donor States.

I am pleased that the Manager's Amendment includes a new distribution formula that brings the scope of programs covered by the Minimum Guarantee closer to current law under TEA 21. Michigan and other donor States need to prevent going backwards on scope and to improve our rate of return to 95 percent.

I thank Chairman YOUNG for his cooperation with donor States on this issue. I hope to work with my colleagues to improve the rate-of-return when we get to conference with the Senate. For my State, we're depending on a higher rate of return as well as the scope improvements we're making today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to commend Chairman YOUNG and Ranking Member OBERSTAR, as well as the Subcommittee leadership for their hard work in crafting the underlying legislation. However, I offer my support for the Manager's Amendment that seeks to incorporate very important initiatives that were contained in some of the amendments that were made in order by the Committee on Rules.

While the underlying bill before us proposes to provide $620 million for some 175 high priority projects in the State of Texas, there remain issues that will pose significant problems for Houston and for Texas unless this body offers its commitment to address in the future.

Toll credits are a significant resource for transit providers because they can use them in lieu of obtaining a Federal match—thereby greatly expediting the development of major projects that serve the communities. This amendment will cripple the value of the toll credit program.

Without the revenue from toll credits, Texas will have less funding for the reduction of congestion and the improvement of air quality. In reducing an otherwise viable revenue stream, this amendment would restrict local governments like Houston from choosing the best tool to respond to local conditions and priorities. I would have voted against the amendment that would prohibit the tolling of new interstates, including the I–69 Corridor, which lacks an alternate source of financing.

I ask that the Committee on Transportation and Infrastructure continue its efforts to provide funds to complete the Interstate 69 Corridor. The termination of the Interstate Program in 1995 left no mechanism to finish the nation's few remaining incomplete Interstates such as I–69. Currently, there is no program to fund major projects which benefit the nation as a whole but whose costs exceed states' apportioned funds. Based on these needs, I ask my colleagues to include the National Corridor Infrastructure Improvement Program and the Projects of National and Regional Significance provisions in the bill underlying today. Furthermore, I ask that the Committee include them at a funding level equal to those included in H.R. 3550.

The Manager's Amendment proposes key technical and program improvements to the underlying bill language. In particular, I support the changes to the calculation of "Revenue Aligned Budget Authority" (RABA"; reestablishment of budgetary firewalls for highways and transit programs; reauthorization of the Swift Rail Act at $100 million per year (title IX of the bill); and extension of revenue provisions approved by the Ways and Means Committee.

Moreover, I support the improvements to the bill proposed in the Manager's amendment. In particular, due to the tremendous bipartisan efforts of my colleagues, the amendment now includes language to guarantee that TEA 21's 90.5 percent Minimum Guarantee is protected, with a scope defined as no less than 92.6 percent of the highway program funds in the bill. This is a significant improvement over the bill passed by the House last year. I thank the distinguished Majority Leader for his work in ensuring that this measure will protect these provisions, allowing the House to move into conference in a stronger negotiating position toward achieving a higher MG above 90.5 percent. The Manager's Amendment makes this a better bill for Houstonians and for Texans.

I would like to offer my support for the amendment offered by Mr. DAVIS of Virginia that will ensure that tolls are applied equally to all users of toll facilities. This amendment would eliminate language in the underlying bill that requires lower tolls to be charged to low income drivers. Since the administration of differential tolls may be challenging for our existing and future toll authorities, this amendment will make important adjustments to the underlying bill.

Secondly, I support the Burgess Amendment, which would change the calculation for transportation development credits to ensure that Texas and other states with toll facilities are able to take full advantage of these credits for the benefit of our transit, highway, and highway safety programs. This proposal is vital to the provision of a pro rata calculation of the credits so that we are not penalized for using Federal dollars in our transportation development projects. I support this amendment and ask that my colleagues join me as the Gentleman brings this proposal to the floor.

Furthermore, I support the proposal of Mr. PITTS that would provide a temporary transition period for transit entities (including three in Texas) that, under the most recent Census, are now subject to the over 200,000 population prohibition on the use of transit formula dollars for operating expenses. The Pitts amendment would allow those small transit entities in this new situation to use up to 50 percent of their formula funds for operating expenses for FYs 2005 through 2007 and up to 25 percent of the formula funds for operating expenses in FYs 2008 and 2009.

In addition, I join my colleague from Texas, Mr. BARTON in the initiative of his amendment to require studies and assessments of risks to human health or the environment to use sound and objective scientific practices.

Mr. Chairman, for the foregoing reasons, I support the Manager's Amendment and urge my colleagues to do the same.

Mr. YOUNG of Alaska. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–15.

□ 1145

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. BASS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TOM DAVIS of Virginia:

Page 138, at the end of line 16, insert "and".

Page 138, line 18, strike "; and" and insert a period.

Page 138, strike lines 19 and 20.

Page 145, strike line 24 and all that follows through line 5 on page 146.

Page 146, line 6, strike "(c)" and insert "(b)".

Page 146, line 15, strike "(d)" and insert "(c)".

Page 235, at the end of line 14, insert "and".

Page 235, strike lines 15 through 18.

Page 235, line 19, strike "(7)" and insert "(6)".

Page 240, at the end of line 9, insert "and".

Page 240, strike lines 10 through 13.

Page 240, line 14, strike "(6)" and insert "(5)".

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me address my friends on the other side, because they are aware of our traffic problems in Northern Virginia where we have tried to get infusions of money to take care of the second-largest traffic jams in the country, and we have arrived at something called the HOT lanes, these high-occupancy toll lanes that we are looking at for a public-private cooperation that we would use along the Beltway and possibly I–66.

This is a partnership. The Federal Government will fund part of it, but there is just not enough money in the highway bill, or at least we have not been able to get enough money out of the highway bill, if the gentleman would help on that there would be no need for this amendment, to build these extra lanes. We have the private sector coming in and building the lanes, and then the users do the tolls on the lanes, and that is how we lay asphalt. Because there is not enough

money at the State, local, and Federal levels to lay enough asphalt on these lanes; and so we are using tolls in some of these areas.

The current bill contains several provisions that make it difficult for us to collect tolls on the interstate highway without trying to decide how much money people make, and there is almost a means testing into who uses them. It is very, very difficult to determine how much you are going to collect to get your bonds, what percent are low income and what percent are high income, and so we basically knock that out of the current language in this legislation.

I support the provisions that allow the high-occupancy tolls, but I am concerned about the requirement for States to establish procedures to permit low-income individuals to pay reduced tolls. These are user fees. These are not taxes. This requirement would impose unmanageable requirements on those States who would otherwise like to make use of these tolling provisions, and in our case it is the only way we can lay down new pavement.

The Commonwealth of Virginia now seeks to use toll provisions to finance several important projects, including widening of the Capital Beltway, adding HOT lanes to I–95, and adding dedicated truck lanes on I–81 in the Shenandoah Valley. The Capital Beltway HOT lane proposal, which would greatly benefit my constituents, as an example, is a public-private partnership. In addition, the I–81 partnership is another example. These partnerships are increasingly important as Virginia and, I think, other States in the Union grapple with massive infrastructure needs that are not met, even though this bill will help toward our final results.

In this instance, the ability of tolls on a HOT lane to pay for construction has been determined by cost-benefit analysis, which would be skewed by some users not paying the full toll. As we look for these public-private partnerships to take over construction of some road projects, it is important not to set a precedent for eliminating or reducing tolls which could affect bond financing.

In addition, the cost of a bureaucracy to administer a reduced-toll program would add tremendously to the cost of operating a toll facility and I believe would provide a strong disincentive for private investment. The existence of automated tolling technologies does not address the issue. The most fundamental question is how the Department of Transportation would determine the income. It seems to me this would be extraordinarily problematic and would make tolling an impractical option.

Tolls are user fees, not taxes. There are currently no tolling facilities in the country that provide an income-based discount. Furthermore, no other highway-user expenses are regulated by the Federal Government to require discounts based on income: not the gas tax, not the price of automobiles, and not the price of auto insurance. Why do we single out tolls?

Finally, I want to make clear that while I do not think that income-based tolling is a viable solution, my amendment would not stop anybody from doing it. The Governor of Virginia does not think it is practical, but the Governor of another State might have another view, and that flexibility would remain in this legislation if my amendment passes.

Frankly, I would be interested in seeing how a State might implement income-based tolling. But this provision would amount to a considerable mandate upon the States, a mandate I do not believe we should add to their already full plate with growing transportation infrastructure needs. This just takes some of the flexibilities we are trying to employ outside the box now off the table.

So, Mr. Chairman, I would hope the House would adopt this amendment.

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

Mr. OBERSTAR. Mr. Chairman, how much time remains for the gentleman from Virginia?

The Acting CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 1 minute remaining.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself 4 minutes.

We have waited patiently for the gentleman to arrive, and recognize that he has, like all of us, many demands on his time. I am glad the gentleman is here to offer his amendment, and we understand the problems in this committee of Northern Virginia, which the gentleman so ably represents.

In the fashioning of TEA–21, along with the gentleman's Senator, Senator WARNER, and former Chairman Shuster, we supported the Wilson Bridge, which all of America contributed out of the Highway Trust Fund over $900 million. This is the only bridge of its kind in the country to get that kind of special consideration. We recognize, and I have watched the growth of toll facilities in the Dulles access corridor. I understand those problems that this growth-bedeviled area has had to cope with.

However, there is a very serious problem here of low-income people living in an area distant from the job. My daughter worked at Jubilee Jobs in the Adams-Morgan area in D.C. placing people who came out of homeless shelters, people who had just been released from prison, people who, through, in many cases, no fault of their own, had just fallen through the welfare safety net. There were a number of jobs available for those people out at Dulles Airport, but they could not afford to drive. There is no public transportation for them to take to get out to Dulles Airport to match the person with the job. Their jobs went unanswered and people went jobless because of the cost of transportation.

In Chicago, Chicago experienced white flight to the suburbs. The suburbs needed people to perform work in stores, in homes, in facilities, hospitals, and nursing homes; but the workers were in the city. Chicago initiated a welfare-to-work program to provide compensation for those who would still live in their neighborhoods in the city, but provide the jobs in the suburbs. For every thousand jobs in the suburbs a $10 million economic benefit resulted.

Now, Chicago could set up a very simple process of matching the welfare workers, the welfare-level workers to the jobs and provide assistance to them. So can Virginia. So can other States. There is no need to say, oh, there is going to be a huge bureaucracy created. It is a very simple process. A person comes in and shows their immediate basis and applies for the assistance, applies for whatever designation is required, the FAST pass or the designation to get through the toll facility. It does not cost anything additional. And if there is a derogation of dollars to the toll facility, then the State in the public interest can make that up.

All we are saying in the legislation pending is that low-income people pay a higher percentage of their household income for transportation than other income groups, and tolling facilities should not drive people out of the job marketplace.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN), my colleague and friend from Northern Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I support this amendment. Governor Warner of Virginia has contacted us in support of Mr. DAVIS's amendment because he does not see how exempting low-income people from having to pay is enforceable.

I fully agree with the gentleman from Minnesota (Mr. OBERSTAR), my very good friend, that we do not want to put people in situations that they cannot afford, particularly the working class that we are trying to provide adequate transportation for, so that they can get to work in a timely manner.

In so many of our States, however, I certainly know in Northern Virginia, we do not have a way to move anybody unless we can figure out some more innovative way, and these HOT lanes do seem to give us the means to provide more transportation access. And I do not see how it is enforceable to do what the gentleman from Minnesota wants to do.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Let me say to my friend, if you really want to help poor people, build additional lanes of traffic and get some of

the traffic off the road so they can get onto the conventional lanes. That is what this does.

This is the only way we have found to lay new pavement in Northern Virginia, unless we can come up with billions more dollars that we cannot get into this bill. Poor people would still be able to use existing roads to get there. This will divert traffic that is currently on those roads into other lanes as well.

I agree with the gentleman in terms of the impact that this has on low-income families, but I think the current language is not the way to do it; and I kindly ask for favorable consideration of my amendment.

□ 1200

Mr. OBERSTAR. Mr. Chairman, the language in the bill just directs States to establish a program and procedures. All you have to do is issue a pass to the individuals based on their qualification as a low-income person and use the pass to get through the tolling facility. That is all we are saying.

Otherwise, those toll facilities produce Lexus lanes, produce Mercedes and Hummer lanes, who will whiz through while the poor folk cannot afford to get through. I know from personal experience. I have traveled around this country to areas where we have those problems, either some communities have responded by investing in transit systems so that low-income people, as in Sacramento, 3,200 low-income persons were able to use their transit system to get to jobs.

You are not doing that in Northern Virginia for various reasons. I concur with what the gentleman says, another $90 billion invested in transportation, as this committee introduced the bill in its original form, would take care of this problem. But we must insist on the committee position and defeat the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to strongly oppose the Davis of Virginia amendment to TEA–LU, which would remove the requirement that toll rates on high occupancy toll lanes be differentiated for low income drivers. I find it unfortunate that Members of this body would offer amendments to this legislation that effectively say that lower income individuals are on the same financial footing as those who are in upper income brackets.

The fact is that we as Americans have decided that those who make less, share less of the burden to bring revenue into our local, State, and Federal government. Indeed, we all know that we are taxed based on our income and value of our possessions. In the same vein, tolls that will go towards paying for public transportation projects, should have some variability based on the income of drivers. This principle is applied throughout our economic practices and it is a fair principle because we recognize that unduly burdening lower income individuals will only weaken our national economy.

The fact is that lower income Americans depend on their automobiles the same way higher income Americans do. Lower income Americans often need their cars to reach jobs they can't otherwise reach through public transportation. They use their cars to transport their families and take part in commerce that would otherwise be unavailable to them without their own private transportation. However, if we insist on making lower income drivers pay the same tolls as higher income drivers then we make the cost of transportation more prohibitive for lower income Americans. These drivers already have to deal with the soaring costs of fuel and the high premiums they pay to maintain car insurance. If we also burden them with high tolls then we will keep them from achieving their potential and we can only hurt our overall society that benefits from lower unemployment and increased commerce.

I urge the Members of this body to reject this amendment because it only seeks to create a larger burden upon lower income Americans. We must all be given a chance to achieve the American Dream and this dream is made harder for too many lower class Americans when we unfairly raise the level of their tolls.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) will be postponed.

The point of no quorum is considered withdrawn.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 3 printed in Part B of House Report 109–15.

AMENDMENT NO. 3 OFFERED BY MR. BURGESS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BURGESS:

At the end of subtitle H of title I of the bill, add the following (and conform the table of contents of the bill accordingly):

SECTION 1838. TRANSPORTATION DEVELOPMENT CREDITS.

Section 120(j)(1) of title 23, United States Code, is amended—

(1) by striking ''A State'' and inserting the following:

''(A) IN GENERAL.—A State''; and

(2) by striking the last sentence and inserting the following:

''(B) SPECIAL RULE FOR USE OF FEDERAL FUNDS.—If the public, quasi-public, or private agency has built, improved, or maintained the facility using Federal funds, the credit under this paragraph shall be reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds.

''(C) FEDERAL FUNDS DEFINED.— In this paragraph, the term 'Federal funds' does not include loans of Federal funds or other financial assistance that must be repaid to the Government.''.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS.)

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

The amendment that I offer today addresses an important issue of fairness, flexibility and opportunity according to how we finance our Nation's transportation systems.

I believe that States should be credited for their non-Federal investment in revenue-generating transportation facilities to address their regional transportation needs. As of 2003, 20 States have applied to the Federal Highway Administration for Federal credits based on their toll revenue as authorized under Section 120(J) of Title 23 of the United States Code.

This program allows States to accumulate these Federal credits in recognition of their non-Federal investment in local transportation facilities. In the past 10 years, some $14 billion in Section 120(j) credits have been accumulated by these States. The accumulation of these Federal credits reflects the level of commitment that States and localities nationwide are making to find non-Federal solutions to their growing transportation needs.

The creation of this program in the 1991 ISTEA legislation recognizes the importance of these efforts. The use of non-Federal revenues for needed transportation facilities is not a new concept. States and localities for decades have turned to revenue-generating forms of project financing to address their tremendous transportation financing needs.

Especially today, given the tight fiscal situation that many States and localities face, the use of transportation facilities that pay for themselves without additional Federal funding is essential. This amendment changes the calculation of the section 120(j) credits to reflect the proportionate State and local investments in revenue-generating transportation facilities.

Why is this important, and why do we need to make this change in the bill today? In my home State of Texas, we have entered into a new era of transportation project development, delivery and financing. With the introduction of new State and local transportation financing tools, Texas will be able to accelerate projects that have been needed for years, leveraging transportation funds that are currently available to finance additional projects today rather than tomorrow and decades in the future.

These new tools allow my home State to include new financing partners, like the private sector and new regional mobility authorities in solving Texas' transportation challenges.

In order to take full advantage of these new tools, we must make the

most effective use of our available transportation dollars, both local, State and Federal. To that end, we expect to use some Federal funds in nearly every major transportation mobility project that we build. However, the current system is untenable. For instance, a State may use 99 percent of non-Federal funds on a needed transportation project, but under the current credit calculation that State cannot receive any credit for that investment because of the use of 1 percent Federal funds in the project.

This is an unfair penalty. It must be changed to properly recognize the local and State share of investments in meeting our transportation needs.

Currently, 20 States are using 120(j) credits to finance needed transportation projects. Ohio uses toll credits to match GARVEE bonds on projects and shares with local government for both highway and transit projects.

New Jersey has used approximately $860 million of $1.9 billion in approved toll credits for approved highway projects.

Florida is using many credits on Federal aid projects so that most of its Federal highway programs are 100 percent Federally funded. Projects include the new Everglades Parkway, the Pinellas County Bayway, Beeline East Expressway and the Sunshine Skyway.

Kentucky will use toll credit as a match on the Federal highway projects releasing about 100 million per year.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition. How much time remains for the gentleman from Texas?

The Acting CHAIRMAN. The gentleman from Texas has 1 minute.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

This amendment really crosses the line on tolling. I have always believed tolls are a bad idea, but if a State wants to do that and citizens want to subject themselves to toll facilities, that is their business.

But on the interstate highway system, we have a very effective financing mechanism through the Highway Trust Fund and through the national highway system. Again, the Highway Trust Fund supports construction of needed transportation facilities.

But to mix Federal funds with tolls is anathema to the idea of a publicly supported transportation system through our Highway Trust Fund and the user fee.

I could understand if the gentleman from Texas (Mr. BURGESS) were advocating and others were advocating tolls and toll-only facilities. But to cross the line and mix Highway Trust Fund dollars with toll funds to encourage building of toll facilities to indirect competition with toll-free highways, just does not make any sense at all.

In fact, there is an example in the State of California where a toll operator persuaded the State legislature to enact authority to build a toll facility but then prohibited the public sector from building additional capacity in the same corridor in the adjoining public roadway.

The toll was built; it did not work. It was on the verge of bankruptcy. At the same time, the State was ready to build additional lanes on the public facility. The toll operator took the State to court and prevailed against building the publicly-free facility, so the State wound up buying the toll facility and building additional lanes.

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

Mr. BURGESS. Mr. Chairman, I yield 45 seconds to the gentleman from Texas (Mr. MARCHANT) and state that this amendment does nothing of the sort as to what happened in California.

Mr. MARCHANT. Mr. Chairman, I thank the gentleman from Texas (Mr. BURGESS) for introducing this amendment and for the gentleman's hard work over the last 2 years on transportation issues in Texas.

Under current law, even if $1 of Federal money is spent towards a State toll project, no transportation development credits will be accrued by the State. In other words, not only does the Federal Government punish States for investing in toll facilities, it also prevents them from using transportation development credits which would have been accumulated for the use and purchase of transit capital such as buses and transit cars.

The United States has a 50-year-old highway system put under enormous strain by our population. Combine that with the fact that there is simply not enough money to go around for highways and transit programs, and there is a large gap between our country's transportation needs and that which can be provided under current funding. I urge my colleagues to support this amendment.

Mr. BURGESS. Mr. Chairman, I urge my colleagues to vote for this amendment, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

To push the idea of toll facilities in the direction of merging Federal highway trust fund dollars with toll dollars is just anathema to the whole concept of a publicly supported transportation network. We should not allow this type of initiative in tolling.

If Members want to have tolls, do it the old-fashioned way and use the toll dollars and create Lexus lanes and create Mercedes lanes, but do not use the public dollars to merge with the toll facility dollars and create a severe disparity and discrimination against publicly built toll facilities.

Remember the California example; that is what will happen here. We will have others of that nature. I urge a ''no'' vote on this amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the amendment before us is about increasing financial flexibility.

Toll credits allow the expenditure of non-federal funds on one project to serve as the match on another project.

The benefit of having toll credits is to enable various transportation projects to exchange a toll credit for non-federal share of a project's cost.

This measure does not render a good house keeping seal of approval on tolls, but it does recognize that States like Texas, that are experiencing significant increases in population and diminishing roadway capacity, are able to better leverage their transportation dollars.

I have heard from my State, and others that utilize tolling, repeatedly, on how this toll credit development will better equip them in addressing challenges now and in the long run.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BURGESS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BURGESS) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 109–15.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURGESS:

Strike section 1501 of the bill, and insert the following (and conform the table of contents of the bill accordingly):

SECTION 1501. DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Section 112(b)(3) of title 23, United States Code, is amended to read as follows:

''(3) DESIGN-BUILD CONTRACTING.—

''(A) IN GENERAL..—A State transportation department or local transportation agency may use design-build contracts for development of projects under this chapter and may award such contracts using any procurement process permitted by applicable State and local law.

''(B) LIMITATION ON WORK TO BE PERFORMED UNDER DESIGN-BUILD CONTRACTS.—Construction of permanent improvements shall not commence under a design-build contract awarded under this paragraph before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(C) SCOPE OF WORK.—The scope of the contractor's work under a design-build contract awarded under this paragraph may include assistance in the environmental review process for the project, including preparation of environmental impact assessments and analyses, if such work is performed under the direction of, and subject to oversight by, the State transportation department or local transportation agency and the State transportation department or local transportation agency conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental

impact statement prior to its submission to the Secretary.

''(D) PROJECT APPROVAL.—A design-build contract may be awarded under this paragraph prior to compliance with section 102 of the National Environmental Policy Act of 1969, only—

''(i) upon request by the State transportation department or local transportation agency;

''(ii) with the concurrence of the Secretary in issuance of the procurement documents and any amendments thereto and in award of the contract and any amendments thereto; and

''(iii) if project approval will be provided after compliance with section 102 of the National Environmental Policy Act of 1969.

''(E) EFFECT OF CONCURRENCE.—Concurrence by the Secretary under subparagraph (D) shall be considered a preliminary action that does not affect the environment.

''(F) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term ''design-build contract'' means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.''.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations that amend the regulations issued under section 1307(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 112 note). The regulations—

(1) shall allow a State transportation department or local transportation agency to use any procurement process permitted by applicable State and local law in awarding design-build contracts, including allowing unsolicited proposals, negotiated procurements, and multiple requests for final proposals; except that the Secretary may require reasonable justification to be provided for any sole source procurement; and

(2) may include ''best practices'' guidelines;

(3) shall not preclude State transportation departments and local transportation agencies from allowing proposers to include alternative technical concepts in their ''base'' proposals;

(4) shall not preclude State transportation departments and local transportation agencies from issuing a request for proposals document, proceeding with award of a design-build contract, or issuing a notice to proceed with preliminary design work under such a contract prior to compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) if the design-build contractor is not authorized to proceed with construction of permanent improvements prior to such compliance; and

(5) shall provide guidelines regarding procedures to be followed by the State transportation department or local transportation agency in their direction of and oversight over any environmental impact assessments or analyses for the project which are to be prepared by the contractor or its affiliates.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BURGESS).

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

Mr. Chairman, I intend to ask unanimous consent to withdraw this amendment, but before I do, I would like to engage the gentleman from Alaska (Chairman YOUNG) in a brief colloquy on this issue.

Mr. Chairman, in 1998 Congress passed TEA–21. And as enacted, TEA–21 contained congressional intent and guidance language to the United States Department of Transportation to implement design-build contracting rules. But, Mr. Chairman, the final rules did not mirror Congress' intent in the slightest.

H.R. 3, as introduced and passed by the committee, included section 1501 on design-build, and I thank the chairman, the ranking member, and the committee staff for recognizing the level of importance that design-build holds in the reauthorization debate. However, the language currently in the bill does not repair conflicts in the law.

My concern is that the Federal Government has been slow to respond to initiatives at the State level that advance those goals. Current Federal rules dampen the efficiency of design-build with a complicated procurement process, taking the wind out of the sails of innovation.

Federal processes still favor a consecutive approach to project development, requiring separate environmental review, design and construction contracts. This causes unnecessary delay, added cost and reduced efficiencies in delivering critical transportation projects.

I want to work with the committee in conference to repair the design-build law so States can benefit from its intended efficiency.

Mr. Chairman, the gentleman from Alaska has visited my State, and I am grateful for that. The gentleman has heard from our constituents and our commissioners and our governor. This is necessary to take our work to the next level. Sure we talk about changing funding formulas, but that alone is not enough to satisfy everyone, and we all know that. All I am asking for is a chance to show that we can be innovative in using the limited funds that we receive.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BURGESS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I agree with the goals of the gentleman from Texas, and I look forward to working with the gentleman's entire delegation to meet these goals in conference.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1215

The Acting CHAIRMAN (Mr. ADERHOLT). It is now in order to consider amendment No. 5 printed in House Report 109–15.

AMENDMENT NO. 5 OFFERED BY MR. ISSA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ISSA:

At the end of section 1208 of the bill, insert the following:

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary and the States should provide additional incentives (including the use of high occupancy vehicle lanes on State and Interstate highways) for the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from California (Mr. ISSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume. I am hopeful and believe that there will be no opposition to this well-crafted, narrowly crafted amendment to this legislation.

I want to thank Chairman YOUNG and the members of the committee who helped make this a very good amendment. This amendment, Mr. Chairman, seeks to empower our States when they have excess capacity in their HOV lanes to use that capacity to encourage and promote the superlow-emissions hybrid vehicles that are just emerging on our highways today. California and other States have passed laws in anticipation of our doing our job to allow this. I believe that it will promote superlow emissions, higher-efficiency vehicles for a period of only 4 years to give this an opportunity.

I would urge all of our colleagues to bear in mind that when we authorized HOV lanes, we did so for two purposes: one was to reduce congestion; the other was to save fuel. Hybrid vehicles do an excellent job of saving fuel. I urge my colleagues to vote for this amendment.

Mr. CARNAHAN. Mr. Chairman, I rise today in support of the Issa amendment.

Quite simply, the increased use of fuel efficient vehicles is a boon to our country.

Hybrid vehicles benefit our environment. Our cities and towns are being choked by smog. The increased use of hybrid vehicles would reduce this problem.

Hybrid vehicles also benefit our economy. The Ford Escape Hybrid is assembled in my home State of Missouri. Sales for the Escape hybrid have been so strong that this plant cannot keep up with demand. This plant provides thousands of good paying jobs here in the United States.

I assure you that is you ask the workers in that plant if they support increased incentives for the purchase of hybrid vehicles, their answer would be a resounding "yes."

Finally, vehicles that reduce our use of gasoline mean greater energy security for our country, and less U.S. dollars going to countries with hostile regimes.

The increased use of hybrid vehicles is truly a win-win-win situation and I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The amendment was agreed to.

VACATING PRIOR PROCEEDINGS ON AMENDMENT NO. 3 OFFERED BY MR. BURGESS

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the proceedings by which the request for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) was considered be vacated and the vote be put anew.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–15.

AMENDMENT NO. 6 OFFERED BY MR. PASCRELL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PASCRELL:

After section 1108 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, of the bill accordingly):

SEC. 1109. PAY TO PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

''(h) CONSTRUCTION.—Nothing in this section may be construed to prohibit a State from enacting a law or issuing an order that limits the amount of money an individual, who is doing business with a State agency for a Federal-aid highway project, may contribute to a political campaign.''.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Wisconsin (Mr. PETRI) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PASCRELL).

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

The so-called ''pay-to-play'' restrictions, Mr. Chairman, enacted in many States like Connecticut, New Jersey, Pennsylvania, Illinois, South Carolina, Kentucky and West Virginia, for instance, there is a threat which is real; and whether it is real or whether it is apparent, we need to stamp out corruption. We have come to an agreement in the State of New Jersey. We have come to bipartisan support of an attempt by both sides of the aisle to end corruption as not only we know it because neither party is privy to virtue, neither State is privy to corruption.

What we are trying to do here is look at what is the result of large political contributions from contractors who try to influence the awarding of public contracts. Mr. Chairman, there is Federal precedent for this, and I would venture to say that we all in this Chamber should be reading what that precedent is. This does not open up a Pandora's box. This is simply providing States the ability to clean up their own act, to reform their own government, and to give those people an opportunity to bid in a more apparent, transparent process.

Mr. Chairman, the Federal Highway Administration argued that the New Jersey order violated section 112 of title XXIII, a provision dealing with bid-letting. This amendment intends to support what New Jersey has attempted to do to open up the bid process, not to close it down, not to shrink it, but rather to expand it so that there is more transparency.

Why should the Federal Government stop those States who want to end the process of corruption in their contract-letting? Why should this Federal Government, which has our own rules, the SEC was a perfect example of this just a few years ago, that if you are going to contribute, then you need to stay out of the process of bidding. This passed in the New Jersey Assembly 78–0. It passed in the New Jersey Senate 34–0. It is bipartisan.

Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I would like to thank the gentleman from New Jersey (Mr. PASCRELL) who has worked very hard on this issue and I have joined with him. I appreciate the work that he has done.

Let me say in starting that the vast majority of contractors in my State, in the State of New Jersey, are hard-working, ethical people who do good work and do the right thing. The real problem we have in New Jersey is that some public officials more interested in helping themselves than working to improve transportation infrastructure in the State have influenced the situation.

The good news is that Trenton is finally trying to do something about it. The legislature has enacted reforms, as the gentleman from New Jersey (Mr. PASCRELL) has discussed on this particular issue. I wish the State had provided the Federal Highway Authority with the cost savings they say exist, as I understand that that may have solved the problem and we maybe would not have had to do this today. Unfortunately, that is in the past; and we have to deal with the situation as it is.

I am strongly supporting this amendment and will join with the gentleman from New Jersey (Mr. PASCRELL) in voting for this amendment, because New Jersey desperately needs every penny of Federal highway and transit dollars and should not be penalized for trying to do the right thing. That is what it is all about: New Jersey is trying to do the right thing.

Mr. PASCRELL. Mr. Chairman, reclaiming my time, the Pascrell-Menendez-LoBiondo amendment only impacts States that choose to pass a pay-to-play reform law. This is a win-win for both sides. I cannot emphasize that enough. How many times have we come to this Chamber when we try to get it over on the other side? That is natural in politics.

This is a win-win for both sides, not only in New Jersey but throughout the country. I ask for the support of this body. I think this is good legislation, I think the amendment makes sense, and it is backed up by Federal law.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, three quick points. This does not require any State to do anything. It simply allows a State to perform a reform in the context of contracting. We recognize this already under Federal law in section 441 of the Federal highway bill. The SEC has done the same type of thing in its context. No State should be prohibited from enacting reforms as it relates to improving the integrity of public contracting in their State. It will not apply to any Federal officeholder, but it will allow States ultimately to pursue reforms in the context of contracting and the integrity of its process.

We should support the amendment.

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

Mr. Chairman, I think what we are seeing here is certainly a very well-meaning amendment designed to correct a problem in the State of New Jersey; but if it is adopted, what we will find is the law of unintended consequences coming into play.

We have a Federal framework. The goal of that framework is to have competitive bidding and to end up getting the lowest qualified bid to save the taxpayer money and get the work done. Many of these projects cross State lines. Contractors work all over the United States. If we start allowing each State to come up with different bidding procedures and qualifications that contractors have to meet in order to participate in the bidding, it is inevitably going to add to paperwork and end up resulting in higher-cost construction across our country and less for the hard-earned tax dollars that are spent on transportation here in the United States.

We are not arguing there may not be a problem in New Jersey. We are not arguing that it should be cleaned up. We are eager to work with the Members from New Jersey to try to have hearings or to promote investigations, do what we can to help clean up the situation in New Jersey, but not at the expense of weakening the system of competitive bidding nationwide that is designed to promote as efficient a procurement process as possible.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–15.

AMENDMENT NO. 7 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ROGERS of Michigan:

At the end of title II of the bill insert the following (and conform the table of contents accordingly):

SECTION 2013. SAFE INTERSECTIONS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 39. Traffic signal preemption transmitters

''(a) OFFENSES.—

''(1) SALE.—A person who knowingly sells a traffic signal preemption transmitter in or affecting interstate or foreign commerce to a person who is not acting on behalf of a public agency or private corporation authorized by law to provide fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity, shall, notwithstanding section 3571(b) of title 18, United States Code, be fined according to this title, imprisoned not more than 1 year, or both.

''(2) USE.—A person who makes unauthorized use of a traffic signal preemption transmitter in or affecting interstate or foreign commerce shall be fined according to this title, imprisoned not more than 6 months, or both.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) TRAFFIC SIGNAL PREEMPTION TRANSMITTER.—The term 'traffic signal preemption transmitter' means any mechanism that can change or alter a traffic signal's phase time or sequence.

''(2) UNAUTHORIZED USE.—The term 'unauthorized use' means use of a traffic signal preemption transmitter by a person who is not acting on behalf of a public agency or private corporation authorized by law to provide fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity. The term 'unauthorized use' does not apply to use of a traffic signal preemption transmitter for classroom or instructional purposes.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''39. Traffic signal preemption transmitters.''.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Michigan (Mr. MIKE ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the committee today for taking up this very important piece of legislation. It may be innocuous in the grand scheme of this important bill that we are about to pass, setting the transportation needs for the rest of America, but we have a growing problem that this amendment will address, traffic preemption devices. They are devices that will change the signal as you are driving in your car remotely from your vehicle. Currently used by law enforcement and emergency vehicle services to conduct their business and get to the place they need to in the most safe manner possible, it is now being offered on the Internet and other places and getting in the hands of those who would seek to do harm.

One can imagine in the hands of a bank robber trying to escape, changing the light scheme on his way out of town. One can imagine the frustrated congestion that someone might engage in Washington, D.C. or any other large city, the convenience of just pushing the button and changing the light. One can imagine a terrorist act and what harm and devastation they could cause to emergency vehicle response to their ability to get in and to get out of a place quickly.

□ 1230

The dangers of this are real, the dangers are growing. This amendment would simply apply some common sense and make it illegal for those who are selling this on the Internet, for those who are in possession of this, who should not be. I think it is crucial.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I just want to compliment the gentleman for being an alert legislator. Technology creates new possibilities for mischief as well as for good. The gentleman has spotted a problem, and we thank the gentleman for calling it to our attention. We support the amendment, and I believe it will be adopted without opposition.

Mr. ROGERS of Michigan. Mr. Chairman, reclaiming my time, I thank the chairman for working with us on this.

I do want to thank the Committee on Transportation and Infrastructure and the Committee on the Judiciary for working with us, the Committee on Rules, and Senator DEWINE for working with me on this amendment and offering the same in the Senate.

I also want to thank my staff member, Heather Keiser, who has been passionate about traffic safety and working on intelligent technology systems. She has been passionately involved in these types of activities, who actually raised the flag and said this is a problem and it needs to be fixed for the safety and security of our local Americans and our local emergency service personnel. I thank her as well. She is getting ready to leave this week, so this is a great way for her to go out on such a high note, I think, making an important difference.

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

The Acting CHAIRMAN (Mr. ADERHOLT). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 8 printed in House Report 109–15.

AMENDMENT NO. 8 OFFERED BY MR. PITTS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PITTS:

In the matter proposed to be inserted as paragraph (1) of section 5307(b) of title 49, United States Code, by section 3008(c)(1) of the bill—

(1) strike ''and'' at the end of subparagraph (C); and

(2) strike the period at the end of subparagraph (D) and insert ''; and'' and the following:

''(E)(i) in the case of fiscal years 2005 through 2007, 50 percent of the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of more than 200,000 if the transit system with respect to which the grant is being made operates in an urbanized area that exceeded 200,000 in population according to the 2000 Census; or

''(ii) in the case of fiscal years 2008 and 2009, 25 percent of the operating cost referred to in clause (i).

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

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

Mr. Chairman, under current law, when an urbanized area exceeds 200,000 in population, the transit system serving the area not only receives less Federal transit funding, but also loses their flexibility to use Federal transit funds to meet unique local transit needs.

The 2000 Census was the first census carried out under this law, and we are now seeing the consequences of this law, which uses an arbitrary and outdated threshold that was really first established and used in the 1950s.

Today it is hurting our Nation's most thriving communities. Fifty-two small transit systems across the Nation and the communities they serve face a financial crisis that they are not equipped to handle. That means more than 11 million people across the country will have their public transit service affected.

These systems will have to cut routes and raise fares in the hope of making ends meet. But for most, even that will not be enough. This will hurt passengers who rely on transit, workers who need to get to their jobs, elderly who need to get to the grocery store or pharmacy and, in my district, particularly the Amish, who rely on transit because it is against their religion to owns cars.

We need to give these transit systems time to find alternative funding solutions at the State and local levels. My

amendment allows these small transit systems, only 52 of them, to have flexibility in using 50 percent of their Federal transit funds through the year 2007 and then reduces that 25 percent for 2008 and 2009.

This is the least we can do for these systems that are servicing some of the healthiest growing communities across the country.

Two systems in my districts, Red Rose Transit and BARTA in Reading are facing a financial crisis because of this law. We should not punish healthy systems in growing communities.

Mr. Chairman, I appreciate the chairman's support for holding these systems harmless over the past couple of years. However, due to the uncertainty surrounding this year and the transportation programs throughout the country, these small systems have not been able to find local solutions. We need more time, and I urge Members to support the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from Pennsylvania has made a very strong case for the issue which he presents with this amendment, and we in the committee have worked with the gentleman and his staff to allow transit systems in urbanized areas to retain flexibility in the use of Federal transit formula funds, and I thought we had worked out throughout the development of TEA-LU the extension that the gentleman was seeking to extend the period of flexibility for urbanized areas to use Federal funds for operating assistance through this year, which is half the time before the next census.

More than 50 urbanized areas have been eligible to use their transit grants for operating expenses, but apparently the gentleman wants to go further than we agreed in our internal deliberations and discussions, and I think that it goes beyond the agreement that we reached in committee. For that reason, I cannot support it.

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

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

Mr. Chairman, the extensions we have had are only 6 months at a time. We have had a couple of those. We would like to extend to the end of the authorization period.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I rise in support of this amendment, which will help small transit systems maintain flexibility in the use of their Federal money. I would like to thank the gentleman from Pennsylvania for his leadership on this issue, which is particularly important to my constituents in Lubbock, Texas.

I want to repeat, this amendment does not increase funding for transit systems. Rather, it gives them some flexibility to manage those transit systems in the most efficient and effective ways.

Under the current law, once an urbanized area exceeds 200,000 people in population, it loses that flexibility. What impact that is going to have on my constituents in Lubbock, Texas, is my transit system has had to try to scale back the hours of operation, particularly some on Saturday. Saturday is when a lot of families need to get to the doctor and need to go buy groceries. But quite honestly, also for people who live in my district who are employed, that have to get to work on Saturdays.

So what we need to do is have these communities work with their transit systems and look for alternative ways to fund transit in the future. We need to give them some time and the flexibility they need to do that.

Mr. Chairman, I urge Members to support this amendment.

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

Mr. Chairman, let me just say, again, this is not asking for more money; it is flexibility, and it is a phased-down flexibility to soften the blow on the small transit system and provide them more time to find alternative solutions to the funding crises they face. There are some 52 systems, many represented by Members from the other side of the aisle.

I urge support for the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, certainly there is a concern among those metropolitan areas whose population has grown significantly since the 2000 Census, and they are seeking more flexibility for the use of funds on their Federal transit formula grant to use those dollars for operating assistance. But to extend the flexibility beyond the 5 years, as we have provided in TEA–LU, would undermine the statutory formulas.

It might benefit some areas, the pending amendment might benefit some areas, but would inflict a fairness issue upon other areas, to indicate that statutory formula that we use to apportion funds using most recent census data is no longer applicable for a certain area.

The amendment as offered would create confusion and would create unfairness among users, among other transit systems across the country.

Mr. PITTS. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, as a point of clarification, it is my understanding that what is in TEA–LU only extends the flexibility to 2005. What mine does is just extends it to end of the authorization.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, that is correct. I said that at the very outset. I made it very clear we extended it through 2005. That was our understanding. That is what I thought was the agreement we reached and the compromise, that we would go through 2005. Then you just have a few more years until the next census, and then the issue would be resolved for all of the country and not just a few areas.

So I urge defeat of the amendment.

Mr. McGOVERN. Mr. Chairman, I rise today in support of the amendment proposed by Mr. PITTS of Pennsylvania. The Pitts amendment protects smaller transit systems' flexibility in utilizing Federal transit funds. Unlike current law, which punishes these transit systems and communities, the Pitts amendment extends flexibility by providing additional time to seek State and local solutions to the funding problems they face.

Transit systems across the country are severely restricted by the current regulation. In my district in Massachusetts, the Southeast Regional Transit Authority is being constrained by this regulation, making it impossible for them to meet local needs of the city of Fall River.

Current law punishes smaller transit systems and the communities they serve simply because they are thriving. These smaller transit systems rely on budget flexibility and cannot make major revisions overnight. On October 1, 2005, these systems will lose all flexibility. The Pitts amendment extends their flexibility by phasing out their funding options over a 5-year period. That's a good idea. I urge my colleagues to join me in supporting this important amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) will be postponed.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 9 printed in House Report 109–15.

AMENDMENT NO. 9 OFFERED BY MR. HONDA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HONDA:

In subparagraph (I) that is proposed to be added at the end of section 410(b)(1) of title 23, United States Code, by section 2003(b)(6) of the bill, insert after ''(A)(i)(ii)'' the following: '', including a program of the court system (such as a driving while intoxicated court) for the purpose of changing the behavior of alcohol or drug dependent offenders arrested for driving while impaired.''.

The Acting CHAIRMAN. Pursuant to H. Res. 144, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from Michigan (Mr. EHLERS) and I offer a simple but important amendment that will make explicit the eligibility of DWI Courts for basic grant funds under section 2003 of H.R. 3, TEA–LU. Section 2003 authorizes funds for Alcohol-Impaired Driving Countermeasures.

In the year 2003, approximately 17,400 Americans were killed in alcohol-related accidents across this country. These deaths constitute 40 percent of all traffic-related facilities. Make no mistake; drunk driving is a public health crisis, and DWI Courts, which are on the front lines of the national efforts to curb drunk driving, offer a proven method of reducing recidivism rates among DWI offenders.

Unlike traditional court systems, DWI Courts hold offenders to the highest level of accountability, while providing long-term intensive treatment and compliance monitoring to address the root cause of the DWI, alcohol abuse.

DWI Courts are so successful because they draw on a diverse range of professionals, governmental agencies and community organizations. Each DWI Court judge heads a team of prosecutors, defense attorneys, probation officers, law enforcement representatives and alcohol treatment professionals. They work in concert with each other and governmental community organizations to ensure that DWI offenders get the punishment they deserve and the treatment and services they need to be responsible members of our society. Evidence suggests that these DWI Courts are working.

Unfortunately, too few DWI Courts are taking advantage of Federal transportation dollars and section 2003 of H.R. 3 does not clearly authorize use of grant funds for these courts. Our amendment will clear up any confusion in this regard and encourage additional jurisdictions to establish their own DWI Courts.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I would just like to commend the gentleman for this amendment and for making the law clear about these courts. They have been an effective program.

We support the amendment, and thank the gentleman for his contribution.

Mr. EHLERS. Mr. Chairman, I rise in support of the Honda/Ehlers amendment.

The purpose of this amendment is simply to clarify and make explicit that DWI courts are eligible for funding under the Alcohol-Impaired Driving Countermeasures section of the bill.

It has become clear that the traditional process is not working for repeat drunk driving offenders. Punishment that is unaccompanied by treatment and accountability is an ineffective deterrent for the repeat DWI offender. The outcome for the offender is continued dependence on alcohol; the outcome for communities is the continued threat of drivers under the influence of drugs and alcohol.

DWI/Drug Courts are distinct court systems dedicated to changing the behavior of alcohol/drug dependent offenders arrested for DWI. The goal of DWI/Drug Courts is to protect public safety by attacking the root cause of DWI: alcohol and other drug abuse.

DWI/Drug Courts utilize all criminal justice stateholders (prosecutors, defense attorneys, probation, law enforcement, and others) along with alcohol/drug treatment professionals. This group of professionals comprises a "DWI/Drug Courts Team," which is usually accountable to the DWI/Drug Court judge who heads the team. The DWI/Drug Court Team uses a team-oriented approach to systematically change participant behavior. This approach includes identification and referral of participants early in the legal process to a full continuum of drug/alcohol treatment and other rehabilitative services. These courts have been very successful in Michigan, where approximately one-third of all DWI courts are located.

A five-year study conducted on the Lansing, MI DUI/Drug Court demonstrates a 13 percent recidivism rate for graduates of the DUI/Drug Court program versus 35 percent for a comparison group. Unfortunately, funding and resources are often an obstacle to starting DWI courts.

Adopotion of this amendment will deliver a clear and unmistakable message to the American people that Congress will take the necessary steps to stop drunk driving. It will send the clear and unmistakable message that we support the valuable work being done by DWI/Drug Courts.

Clarifying that DWI courts are eligible for funding will encourage more state and local courts to pursue these comprehensive, treatment-driven programs. I encourage my colleagues to support the Honda amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

□ 1245

The Acting CHAIRMAN (Mr. ADERHOLT). It is now in order to consider amendment No. 10 printed in House Report 109–15.

AMENDMENT NO. 10 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BARTON of Texas:

Before the closing quotation marks at the end of the matter proposed to be inserted as section 507 of title 23, United States Code, by section 5203 of the bill, insert the following:

(h) SOUND AND OBJECTIVE SCIENTIFIC PRACTICES.—

(1) IN GENERAL.—Assessments of risks to human health or the environment and research conducted under this section shall use sound and objective scientific practices. Assessments of risks to human health or the environment conducted under this section, where such an assessment concerns the evaluation of multiple studies, shall consider the best available science, and shall include a description of the weight of the scientific evidence.

(2) FEDERAL AGENCIES.—Federal agencies using studies funded under this section to conduct an assessment of risks to human health or the environment shall use sound and objective scientific practices in assessing risks, shall consider the best available science, and shall include a description of the weight of the scientific evidence.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment to make sure that the so-called scientific studies performed under the provisions of the bill are, in fact, based on science and not on anyone's view or preconceived notions of what science should be.

For too long, documents and studies performed on risk assessments on health and the environment have been produced that do not really reflect science, but rather a given policy bias mixed with elements of science. That document is then paraded forward, as if it were a true risk assessment.

I want to make sure that when the Federal Government asks for a risk assessment, that the response is based on sound and objective scientific practices. I also want to ensure that the assessor of those risks to human health and the environment consider the best available scientific information.

These types of requirements are not new. These are the same types of requirements we have enacted in law for the purpose of the Safe Water Drinking Act; and not surprisingly, those principles have worked very well.

With this amendment, we will also follow a related recommendation with the 1997 recommendation of the President's Commission on Risk Assessment and Risk Management. Specifically, the amendment asks assessors of risks to provide a description of the weight of the evidence concerning a given risk. In other words, when a new risk to our health or the environment is claimed in a study, those responsible for releasing the study must describe their understanding of what best science tells us about that risk.

The bill before us today contains a section providing for the Surface Transportation Environment and Planning Cooperative Research program.

This section, among other items, addresses risk assessments of public health and the environment. These subject matters are within the jurisdiction of the Committee on Energy and Commerce. I want to ensure that these provisions reflect the congressional desire for sound science.

I want to thank the gentleman from New York (Chairman BOEHLERT) of the Committee on Science for his work and assistance in the base text of the language and also for his and his staff's assistance in working out the language of this amendment.

Mr. Chairman, I urge my colleagues to support the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, how much time remains of the gentleman from Texas?

The Acting CHAIRMAN. The gentleman from Texas has 3 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, on the face of it, who could object to sound science, objective science? That is what science should be. But the thrust of this amendment is not in the words of the amendment. They are not going to get us to that point. The language says, in considering assessment of risks to human health and the environment, such an assessment, where an assessment concerns the evaluation of multiple studies, shall include the best available science and description of the weight of the scientific evidence. And further on, in subsection 2, a description of the weight. That is not objectivity. That is totally subjective. To start considering the weight of scientific evidence, that is not a scientific term in and of itself.

So I am all for science and for good science, but this language is going to obfuscate the evaluation of risks and open the door of opportunity for more lawsuits over what is meant by weight, multiple studies, available science. I think this goes directly in the opposite direction of the purpose of the gentleman from Texas.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to make a brief comment and then recognize the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science. When the gentleman from Minnesota asked who could object to this, we know the answer. The good gentleman from Minnesota, my good friend objects to it. So that answers that question.

I would point out that the gentleman from Alaska (Chairman YOUNG) supports this, and the gentleman from New York (Chairman BOEHLERT) supports this, and the President's Council on Risk Assessment supports this language. It is language that is in current law for the Safe Water Drinking Act. So there are a number of eminent groups and individuals that do support it.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in support of this amendment which relates to language that originated in the Committee on Science. The language of the amendment was negotiated between the Committee on Science and the Committee on Energy and Commerce. I, frankly, do not think that this amendment is especially necessary, but I feel comfortable with the language.

The language we worked out does not allow any political interference with science, nor does it set any new standards for science. It does not raise any legal hurdles for scientists or agencies. It is a simple statement of what we expect from scientific research and the use of that research, particularly risk assessments.

What we expect is what any scientist would expect, which is that the researchers strive for objectivity and use the best available scientific practices, and that when the literature review is done for a risk assessment, that that review look at the best available science and that it describe where the weight of the scientific evidence is.

It is pretty hard to imagine a case where that would not be done, which is why I do not think the amendment is of any urgency; but I think the language we worked out with the gentleman from Texas (Chairman BARTON) is fair and balanced and limited; and therefore I support it.

Mr. OBERSTAR. Mr. Chairman, can I inquire of the Chairman how much time remains on the side of the gentleman from Texas.

The Acting CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. GORDON).

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

Mr. GORDON. First of all, Mr. Chairman, let me point out that the scope of this amendment exceeds the jurisdictional boundaries of the underlying bill. In fact, it exceeds the jurisdictional boundaries of the Committee on Transportation and Infrastructure.

It appears to amend all laws administered by all Federal agencies that may use information from this program in a human health or environmental assessment. This is a poor precedent to establish.

If we have concerns about Federal agencies using high-quality scientific information, we should address those concerns through oversight and legislation done in our respective committees in a manner tailored to fit the individual agencies where the laws were administered.

This amendment will do nothing to improve the quality of science produced by this program or ensure the proper use by the Federal agencies. For that reason, I would ask that this amendment be defeated.

Mr. BARTON of Texas. Mr. Chairman, I believe I have the right to close, and I am ready to close if the gentleman from Minnesota is ready.

Mr. OBERSTAR. Mr. Chairman, our side has the right to close. I await the arguments on the part of the gentleman from Texas.

The Acting CHAIRMAN. The gentleman from Minnesota has the right to close.

Mr. BARTON of Texas. I thought the author of the amendment had the right to close.

The Acting CHAIRMAN. The manager in opposition has the right to close.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the remaining time.

My first response to my good friend, the gentleman from Tennessee (Mr. GORDON), who is a member of both the Committee on Science and the Committee on Energy and Commerce, is that he is right that this amendment exceeds the jurisdiction of the Committee on Transportation and Infrastructure. That is why it was offered by the chairman of the Committee on Energy and Commerce, because it does not exceed the jurisdiction of the committee that I chair and has been worked out in conjunction with the chairman of the Committee on Transportation and Infrastructure and the chairman of the Committee on Science. So if you put us all in the same tent collectively, it does not exceed the jurisdiction.

The language that we are using is language that was put forward initially by a Presidential commission under President Clinton's administration in the mid-1990s, and it is their language that we are incorporating into the amendment. So this is not some subterfuge to use Republican language or conservative language; it is language that was originally adopted and supported by President Clinton in his administration.

All we are trying to do with this amendment is make sure that as various projects come forward and we need to do investigations and risk assessments, that it be done based on sound scientific principles. I think that is an issue that both sides can agree upon, and I would urge a ''yes'' vote on the amendment.

In my view, the CMAQ program—like any use of tax dollars—should be applied as cost effectively as possible to achieve appropriate Federal policy goals.

A recent study suggests some CMAQ uses—such as building bike paths—do little to relieve either congestion or air pollution, which are the policy goals of CMAQ. The Transportation Research Board study estimates that bike paths funded with CMAQ money cost the taxpayer on average $80,000 per ton of pollution removed. If this study is correct, in my

view, CMAQ dollars can and should be better spent.

New technologies have recently proven very cost effective in reducing pollution. For example, diesel retrofit and anti-idling technologies are having positive results around the Nation. Retrofit technologies—which are being used in the President's Clean School Bus program are much like the catalytic converter on your car. These devices are capable of removing 80 to 90 percent of the pollutants from the exhaust of a diesel engine. The increased use of these technologies in other sectors of the economy should be encouraged.

Any steps we can take to clarify that CMAQ money can be spent to deploy a new crop of technologies including retrofits and anti-idling devices that are highly effective at reducing emissions from diesel engines makes good sense. Our states are scrambling to find ways to deal with the new EPA designations without jeopardizing economic development. Using CMAQ funds more wisely may help us out a great deal.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I believe this would become the lawyers' full employment act, and the other side of the aisle is not usually avidly supporting the lawyers, because this is so vague, a description of the weight of scientific evidence. How would we weigh it? Do we weigh it physically? Do we weigh it on a molecular basis? What is the weight?

I expect that this would lead to lengthy and contentious litigation at great expense to the taxpayers and basically inhibit government agencies from using the best available science. It is too vague. It should be defeated.

Mr. OBERSTAR. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Minnesota has 2 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself the remaining time.

Let me first make it clear that the language of this amendment was not worked out with staff on our side, nor by the majority staff. I represent on this issue the bipartisan position of the committee in opposition.

We have seen the dangers of manipulated science. The tobacco industry produced study after study trashing the impact of smoking and secondhand smoke, only to be overturned in case after case and by Federal Government health agencies. This year, we have seen the dangers of industry-funded studies on Vioxx and Celebrex, and those two drugs have been withdrawn. Was that done on the basis of weight of evidence? Such a vague and subjective standard.

Mr. Chairman, the National Academy of Sciences is the authority that we frequently turn to in the Committee on Transportation and Infrastructure and in the transportation community. They oversee transportation environmental research. They, the National Academy of Sciences, truly are the gold standard. They do not play around the edges with such vague terms as ''weight of evidence.'' They evaluate the evidence. They make scientific judgments. They come to good science-based conclusions. That is where we ought to go; and if the gentleman were serious about this issue of getting very objective scientific evidence to bear on environmental issues of health or environment, subject it to review of the National Academy of Sciences. That would be standard enough for us. We would let it ride at that. But as it stands, I must oppose the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BARTON) will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 109–15.

AMENDMENT NO. 11 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SHADEGG:

At the end of subtitle A of title I, add the following (and conform the table of contents of the bill accordingly):

SEC. 1126. ADDITION OF PARTICULATE MATTER AREAS TO CMAQ.

Section 104(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in the matter preceding clause (i) by striking ''ozone or carbon monoxide'' and inserting ''ozone, carbon monoxide, or particulate matter (in this paragraph referred to as 'PM–2.5 or PM–10')'' ;

(B) by striking clause (i) and inserting the following:

''(i) 1.0, if at the time of apportionment, the area is a maintenance area;'';

(C) in clause (vi) by striking ''or'' after the semicolon;

(D) in clause (vii)—

(i) by striking ''area as described in section 149(b) for ozone'' and inserting ''area for ozone (as described in section 149(b)) or for PM–2.5 or PM–10''; and

(ii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(viii) 1.0 if, at the time of apportionment, any county that is not designated as a nonattainment or maintenance area under the 1-hour ozone standard is designated as nonattainment under the 8-hour ozone standard; or

''(ix) 1.2 if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone or carbon monoxide, but is an area designated as nonattainment under the PM–2.5 or PM–10 standard.'';

(2) by striking subparagraph (C) and inserting the following:

''(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi) or (viii) of subparagraph (B), shall be further multiplied by a factor of 1.2.'';

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(4) by inserting after subparagraph (C) the following:

''(D) ADDITIONAL ADJUSTMENT FOR PM-2.5 OR PM-10 AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone or carbon monoxide, or both, as described in section 149(b), any county within the area was also designated under the PM–2.5 or PM–10 standard as a nonattainment or maintenance area, the weighted nonattainment or maintenance area population of those counties shall be further multiplied by a factor of 1.2.''.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

□ 1300

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

Mr. Chairman, my amendment seeks to address a significant air quality issue facing many of our communities and our constituents.

Our Nation faces a serious air quality problem with tiny particles of dust and chemicals otherwise known as particulate matter. Particulate matter is a health hazard because people breathe it in and the human respiratory system cannot filter the particles out because they are so small.

Thirty States have areas with particulate matter problems and over 100 million Americans live in communities facing this issue. Many scientific studies have linked the breathing of particulate matter to a series of health problems, including aggravated asthma, chronic bronchitis, decreased lung function and also premature death.

Particulate matter is also the major cause of haze and reduced visibility in many parts of the country. That is precisely the reason why Congress required communities to achieve air quality standards for these small particulate matters under the Clean Air Act.

The EPA has accordingly established two standards for particulate matter. One is PM–10, which is a fairly fine particulate matter, and the second is PM–2.5 which is extremely fine particulate matter. Both are produced by vehicles driving on both paved and unpaved roads, and neither PM–10 nor PM–2.5 can be filtered out by the human respiratory system.

Current law allows States to use funds provided through the Congestion Management Air Quality Improvement

program, known as CMAQ, to achieve compliance with particulate matter. However, the current allocation formula for funding under that law does not make any reference to or include particulate matter. This leads to significant funding shortfalls with regard to dealing with particulate matter problems.

My amendment seeks to correct this inequity by adding both the EPA standards for particulate matter for PM–10 and PM–2.5 to this allocation formula. The language is essential because it will greatly aid areas with particulate matter pollution problems in meeting the air quality standards, particularly the emissions of these pollutants from roads.

Measures which States and counties are required by law to take to deal with particulate matter problems include purchasing specially designed street sweepers; curbing, paving and stabilizing the shoulders of paved roads; paving, vegetating and chemically stabilizing access points and unpaved roads; the timing of traffic lights; and using unformulated gasoline.

Again, this is a serious issue facing our communities. It directly affects my constituents and those of many of my fellow colleagues.

My amendment would make the CMAQ program more equitable in its allocation of resources and would recognize the significant air quality concern which is currently overlooked in the programs' funding formula.

I urge my colleagues to support the amendment.

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

Mr. OBERSTAR. Mr. Chairman, I claim time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Arizona (Mr. SHADEGG) raises a very serious matter, modifying the Congestion Management and Air Quality Improvement provisions in current law and the formula.

The manner in which the gentleman proposes to do this is a little more complicated than I think is appropriate to resolve in amendment form on the floor. But I, in cooperation with the chairman of the full committee, believe we can work this out with the gentleman from Arizona (Mr. SHADEGG) as we proceed to conference.

If the gentleman is inclined to withdraw the amendment, having given a very thoughtful discussion of it, I believe as we did last year in the effort to reach a bill which we ultimately did not, not for this reason but for other reasons, that we can work this matter out.

Mr. SHADEGG. Mr. Speaker, will the gentleman yield?

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

Mr. SHADEGG. Mr. Chairman, as we have discussed, this is an issue which I raised last year and on which the gentleman graciously agreed to address, both the gentleman and the full committee chairman, in the conference.

It is a complicated issue. When we dealt with this issue last year, one of these two pollutants had been included in the bill on the Senate side; the other had not. So our concern was to make sure that, if we dealt with one, we should deal with both because some States are confronted by a problem by one of those, and some States are confronted by a problem with the other. Quite frankly, some States have both. But I am prepared at the right point in time to withdraw the amendment based on my understanding from both the full committee chairman and the ranking member that this is an issue which can be addressed. It is indeed a more complicated issue than can be dealt with in a floor amendment and it can be addressed in conference. And based on the assurances I received I am more than willing to do that.

I am not anxious to do it now because I have one gentleman who would like to speak to the issue, but once he has had a chance to do so I will be happy to proceed as agreed.

Mr. OBERSTAR. Mr. Chairman, I assure the gentleman that we will reach in every good faith a resolution to this matter.

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

Mr. SHADEGG. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Arizona (Mr. SHADEGG) for yielding me time.

Mr. Speaker, I rise in support of the gentleman's amendment. I believe that the Federal government and the Congress need to be part of the solution to cities around the country that are in non-attainment status.

This amendment is a good step in providing relief for cities such as Columbus, Georgia, in Muskogee County, part of my 11th Congressional District, that only recently has been designated non-attainment, and it is non-attainment of this PM–2.5 that the gentleman from Arizona (Mr. SHADEGG) was just talking about, these tiny 2.5 or below microparticulate matter.

We can save for another day, I guess, the debate over particulate matter non-attainment and whether cities such as Columbus should be designated as such. But today, I would like to say thank you to the gentleman from Arizona (Mr. SHADEGG) for offering this amendment that will allow funding to be provided to these cities.

I understand the gentleman may withdraw the amendment. I appreciate the ranking member being willing to work with him on trying to resolve this. But on behalf of the people of Muskogee County and the City Columbus and Phoenix City, Alabama, as well, I think this is a good idea and I commend the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I affirm my willingness to work with the gentleman and the chairman to resolve this matter as we proceed to conference on withdrawal of the amendment.

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

Mr. SHADEGG. Mr. Chairman, based on the representations of both the chairman of the committee and the ranking member, their gracious willingness to work on this issue as it moves to conference and their acknowledgment that it is a serious concern, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. HEFLEY). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment number 12 printed in House Report 109–15.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

At the end of section 1103 of the bill, add the following:

(e) SUBTRACTION OF EARMARKS FROM SURFACE TRANSPORTATION PROGRAM FUNDING.—Section 104(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (B) by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (C)''; and

(2) by adding at the end the following:

''(C) SUBTRACTION OF EARMARKS.—

''(i) IN GENERAL.—Amounts to be apportioned to a State under subparagraph (A) for each of fiscal years 2004 through 2009 shall be reduced by the aggregate amount made available to the State (and recipients in the State) out of the Highway Trust Fund for that fiscal year for projects described in sections 1702, 3037, and 3038 of the Transportation Equity Act: A Legacy for Users.

''(ii) EFFECT ON MINIMUM GUARANTEE.—In determining a State's percentage return from the Highway Trust Fund (other than the Mass Transit Account) for purposes of section 105 for a fiscal year, the Secretary shall treat amounts subtracted under clause (i) for that fiscal year as amounts apportioned to the State for the surface transportation program for that fiscal year.

''(iii) REAPPORTIONMENT.—Amounts subtracted from a State for a fiscal year under this subparagraph shall be reapportioned among the States under the formula in subparagraph (A).''.

The Acting CHAIRMAN. Pursuant to House Resolution 144, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

Mr. Chairman, in years past, I have offered this amendment as well. My concern with the highway bill is that there are so many earmarks totaling over $11 million in last year's bill and somewhere similar this year that those earmarks come off the top, and it decreases the amount of money made available to Arizona in the end.

My amendment would fund the earmarks under the line, meaning that the earmarks would come out of a State's formula, not off the top, meaning that my formula in Arizona would be diminished for earmarks in Vermont or Alaska or another State.

My amendment, I should point out, would neither strike nor prevent Members from securing earmarks for their district. It would, however, put the discussion for State priorities where it belongs, at the State levels or among State delegations. Members of my delegation from Arizona, for example, could get together and say we are not convinced that our State Department of Transportation is putting the right priority on this area or this area, or, politically, they are ignoring my district, for example. Those are decisions that could be made there; but other States should not be penalized by our earmarks. And that is what has happened in years past. I just want to make sure that it does not.

I would like to ask the chairman or the ranking minority member if they are willing, after offering this amendment, my understanding is that the manager's amendment actually contains language to fund earmarks below the line and do much of what my amendment intended to do.

My concern is that the criteria for earmarks that will still be funded above the line may be a little too loose and that, in the end, those earmarks will end up coming out of my State's formula as well.

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

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. Chairman, this amendment gets to the guts of the bill that we are presenting to the House today. A similar amendment, maybe even the exact language of this amendment, was overwhelmingly defeated last year by a vote of 367 to 60. The intent of the amendment is simply to reduce a State's apportionment under the Surface Transportation Program dollar for dollar by the authorizations that Members of that State receive for highways and transit high-priority projects and require the Secretary to use a revised apportionment that includes the offset in determining the State's rate of return.

The amendment punishes States that do well in high-priority projects and transit new starts and redistributes those dollars elsewhere. That is contrary to the entire intent of this legislation. Members should have a say in the distribution of the dollars under this legislation.

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

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

Mr. Chairman, my understanding of the gentleman from Minnesota (Mr. OBERSTAR), if he will clarify, my understanding is that the manager's amendment did contain language to actually fund the earmarks below the line, meaning that they actually will and much of this amendment is actually contained in the bill already. Is that not the case? Because if so, there is no way we can come anywhere close to reaching the 92.6 that has been, if not guaranteed, bandied about.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, we reached a delicate balance in extensive negotiation between the majority and minority, between the leadership in a formula that is spelled out in the manager's amendment that accomplishes the goal in real terms of achieving 92.6 percent return for all States.

Mr. FLAKE. Reclaiming my time, if the chairman would chair, my understanding is, and if the gentleman would clarify, that the guts of this amendment is already contained in the manager's amendment. If that is the case, then I am willing to consider withdrawing. But what I want to make sure is that the earmarks that are still funded, and according to news reports this morning, earmarks will still be funded above the line that are regional in nature or regional in national significance. I just want to make sure there is criteria for those that will not start pulling other earmarks above the line, therefore diminishing the amount of return that my State gets.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I do not believe the gentleman's State will get any less money under what we propose. It will be at 92.6, and the problem with this amendment is that it is the Flake amendment and that is the number one problem. I will tell you very frankly, after stressing that we worked very closely with the leadership, with everybody trying to reach a solution with the amount of dollars we have and still in fact take care of those Members that believe in fact they should have a say about some monies that go into their State and where it goes. The idea that collectively you will sit down with your fellow Members and you will arrive at a decision and you have got two senators over there, you can forget it because that is not going to happen. And this is the one time Members themselves have an opportunity to make a decision for the State in their district.

California, in which I believe has 52 Congressman now, I have some areas that have never got a nickel of Federal monies because of Caltrain who spends it all in the larger populated areas. That is the unfortunate fact of life. Because the Department of Transportation is not always right on the transportation needs for individual districts, and this is the House of the people. And if I thought for one moment that any of these dollars were spent for anything other than transportation, I would be frankly against it. But every dollar being spent is for transportation. And this is the one time every 6 years that there is an opportunity to, in fact, advance for each of the Members' district, and if you do not choose to do that, that is your prerogative. But to have other Members to be deprived of that opportunity, I think, is inappropriate.

□ 1315

The gentleman and I have discussed this amendment for quite a while, and I can just about assure him I have committed to the donor States that we would be able to, in fact, reach that 92.6, and it will be in the final version of the bill when it goes to the President's desk.

The Acting CHAIRMAN (Mr. HEFLEY). The gentleman's time has expired.

Mr. OBERSTAR. Mr. Chairman, how much time remains on my side?

The Acting CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 4 minutes remaining.

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

The chairman of the full committee has explained the issue very well. The point of inviting Members to submit for designation by the committee projects of great significance within their districts acknowledges the reality that not all wisdom in investing transportation dollars resides in State DOTs.

That is why the Federal Highway Administration does not make these decisions. The dollars go from the Highway Trust Fund through the Federal Highway Administration out to the States to make decisions and when a road or a bridge is not built or improved, or a transit system investment is not made, our constituents come to us, Members of Congress, you are out there in Washington, you vote on this legislation, you vote for the Highway Trust Fund, you set up the policies by which those dollars are invested, and we are not getting the investment that we need. So they come to us, and it is for us to serve as a correction to State DOTs, and that is what we do in this process.

Now, in including Member high-priority projects in the minimum guarantee, we have reached the 92.6 percent return on equity to the States, resolving the issue and the problem the gentleman from Arizona has raised.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in all due respects to my good colleague from Arizona, I would appreciate it if he would withdraw the amendment. We know what he is trying to do, and I have told the leadership we are going to get to where he

wants to go. If my colleague insists on a vote, I will reluctantly have to vigorously oppose it.

So I would like to make a suggestion. Discretion is the better part of valor.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

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

Mr. FLAKE. Mr. Chairman, I do, with the understanding that we do reach the 92.6 and understanding that we can only do that if we include earmarks under the line. Frankly, if my colleagues do the math, that is the only way we can. That is why I was pleased to see that the manager's amendment did contain that provision.

My concern is, and the gentleman from Alaska, my good friend, did mention that every dollar goes toward transportation. It is simply not the case. I read the bill last night, and some of it, some of it, but I did not have to read all of it.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I think the gentleman has made his case. Our side has made the case, and we have the right to close, and I assure the gentleman from Arizona that the interests of the State of Arizona are well cared for in this legislation and of all the States and the agreement that is embodied in the manager's amendment was reached at the very highest levels of policy within this body and on the majority side, and we have to reject the gentleman's amendment, and I would, in fact, urge him to withdraw the amendment.

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

The Acting CHAIRMAN (Mr. HEFLEY). Does the gentleman from Arizona (Mr. FLAKE) withdraw the amendment?

Mr. FLAKE. I have the right to close. I do have a minute to close.

The Acting CHAIRMAN. The gentleman's time has expired.

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

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 10 OFFERED BY MR. BARTON OF TEXAS

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to vacate the proceedings by which a recorded vote was requested on the Barton amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIRMAN. Without objection, the request for a recorded vote is vacated and the amendment is adopted pursuant to the voice vote announced by the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. HEFLEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, had come to no resolution thereon.

MODIFICATIONS TO AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA TO H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3 in the Committee of the Whole pursuant to House Resolution 144, the first amendment printed in House Report 109–15 be considered to have been adopted with the modifications I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Modifications to amendment No. 1 offered by Mr. YOUNG of Alaska:

In the first paragraph on page 25 of the amendment, strike ''and strike '$1,250,000' '' and all that follows through '' '$2,750,000' ''.

On page 69 of the manager's amendment, after the amendment relating to item 864 of the table contained in section 1702 of the bill, insert the following:

In item number 492 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 498 of such table, strike ''$2,500,000'' and insert ''$3,500,000''.

In item number 1830 of such table, strike ''$2,000,000'' and insert ''$3,000,000''.

In item number 2767 of such table, strike ''$3,000,000'' and insert ''$4,000,000''.

In item number 3442 of such table, strike ''$400,000'' and insert ''$500,000''.

In item number 3443 of such table, strike ''$300,000'' and insert ''$1,500,000''.

In item number 968 of such table, strike ''$5,000,000'' and insert ''$7,000,000''.

In item number 508 of such table, strike ''$1,107,000'' and insert ''$1,827,000''.

In item number 1632 of such table, strike ''$2,000,000'' and insert ''$2,880,000''.

On page 89 of the manager's amendment, at the end of such table add the following:

HIGH PRIORITY PROJECTS

No.	State	Project Description	Amount
3632	CA	Reconstruct SR 1 from Westport to Marshall	$9,000,000
3633	IL	Highway Construction on RT 1 between RT 14 and RT 9	$9,000,000
3634	IL	SR 127 from Raymond to Unity	$9,000,000
3635	CA	Improvements to US 101	$11,000,000
3636	IA	Construct Rt 20 from Rockway City to Epworth	$5,000,000
3637	CA	I-8 from San Diego to Kama	$8,000,000
3638	CA	I-15 from Escondido to Barstow	$12,000,000
3639	CA	Widening and improvements to RT 14 from RT 126 to RT 178	$9,525,000
3640	IL	Bicycle and Pedestrian improvements in Georgetown and Middletown	$6,000,000
3641	AZ	Safety Improvements to I–10 from SR 60 to Route 83	$11,000,000
3642	KS	Northwest Bypass between K96 and 119th Street West	$2,000,000
3643	CA	Safety improvements to SR 99	$12,000,000
3644	IL	Construct I–70 from Greenville to Marshall	$9,000,000
3645	CA	I-40 from Barstow to Needles	$9,000,000
3646	AZ	Improvements on I–40 from Kingston to Navajo	$8,000,000
3647	AZ	ITS related improvements on Interstates in AZ	$6,000,000
3648	IA	Rehabilitate US 680 from SR59 to Des Moines	$5,000,000
3649	CA	Resurfacing and Reconstruction of US 395 from RT 18 to RT 168	$12,000,000
3650	IL	Improve I–74 from Colona to Mahomet	$8,000,000
3651	CA	Safety improvements to I–5 from Santa Clarita to Haron	$11,000,000
3652	IL	US 67 highway safety improvements from Godfey to Viola	$10,000,000
3653	OH	Safety improvements to US 35 from Jamestown to Winchester	$8,000,000
3654	CA	Construct Transportation Enhancements on SR 1 between RT 246 and RT 192	$8,000,000

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
3655	IL	Reconstruct I–57 from Frankfurt to Masoon	$9,000,000
3656	CA	ITS improvements to reduce congestion on I 405 from RT 118 to RT 36	$10,575,000
3657	IL	Construction on I–80 from Geneseo to Joliet	$9,000,000
3658	IA	Safety enhancements along Rt 30 from Carroll to Dewitt	$4,000,000
3659	IL	Reconstruction on RT 40 from US 52 to RT 90	$8,000,000
3660	IL	Safety related improvements on RT 100 from US 136 to RT 16	$9,000,000
3661	IL	Construct I–55 from Bolingbrook to Gardner	$10,000,000
3662	AZ	Construction of Route 77 from Route 277 to Route 80	$9,000,000
3663	OH	Reconstruction of I–71 from Cincinnati to Columbus	$8,000,000
3664	IL	Make safety improvements to I–94 from Chesterton to Deerfield	$9,000,000
3665	IL	Acquire land for Environmental Mitigation to preserver wildlife habitate connectivity along US 51 from RT 161 to RT 10	$8,000,000
3666	CA	Construct I–80 from Truckee to Fairfield	$8,000,000
3667	NC	Construct highway widening and safety improvements on Rt 301 between Rt 125 and Little River	$5,000,000
3668	SC	Construction of operational improvements and purchase of ITS infrastructure on the I–26 corridor	$6,500,000
3669	MI	Highway beautification of Rt 52 between Tr 46 and Fairfield	$4,000,000
3670	TX	Resurfacing and Reconstruction on Rt 19 between Rt 71 and Rt 7	$5,000,000
3671	IN	Highway-rail crossing safety related improvements on Rt 37 between US 35 and US 50	$7,000,000
3672	AZ	Pave remaining stretch of the Turquoise Trail, BIA Route 4, which is a north-south road that joins AZ HW 160 in the north to AZ HW 264 in the south portion of BIA Route 4	$2,000,000
3673	AK	Improve marine intermodal facilities in Ketchikan	$25,000,000
3674	DC	Highway improvements to improve access to the Kennedy Center	$5,000,000
3675	MN	Construction of four lanes on Hwy 53 between Virginia and Cook and construction of two passing lanes between Cook and International Falls	$7,000,000
3676	OR	McKenzie highway enhancements, Lane and Linn Counties	$3,100,000

In item 159 of the table contained in section 3038, strike ''$640,000'' and insert ''$960,000'', strike ''$660,000'' and insert ''$990,000'', and strike ''$700,000'' and insert ''$1,050,000''.

On page 98 of the manager's amendment, at the end of the table of projects for bus and bus-related facilities, add the following:

Project	FY 06	FY 07	FY 08
441. St. Paul, MN Intermodal Center	$1,440,000	$1,485,000	$1,575,000
442. Albany, OR North Albany park and ride	$256,000	$264,000	$280,000
443. Portland, OR Tri Met bus replacement	$384,000	$396,000	$420,000

On page 158 of the manager's amendment, strike subparagraph (C) of section 5403(1) that is proposed to be added at the end of subtitle D of title V by the manager's amendment and insert the following:

(C) by striking ''300,000 and that'' and inserting ''300,000,''; and

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

MAKING FINAL PERIOD OF GENERAL DEBATE PURSUANT TO HOUSE RESOLUTION 144 IN ORDER PRIOR TO DISPOSITION OF AMENDMENTS TO H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3 in the Committee of the Whole, pursuant to House Resolution 144, the final period of general debate may be in order before the disposition of amendments.

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

There was no objection.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The SPEAKER pro tempore. Pursuant to House Resolution 144 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. HEFLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 12 by the gentleman from Arizona (Mr. FLAKE) had been disposed of.

Pursuant to the order of the House of today, it is now in order to conduct a period of final debate on the bill.

The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 5 minutes.

Does the gentleman from Oregon (Mr. DEFAZIO) claim the time?

Mr. DEFAZIO. Mr. Chairman, I claim the time on behalf of the gentleman from Minnesota (Mr. OBERSTAR) as the subcommittee ranking member.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume, and I further yield to the gentleman from South Carolina (Mr. SPRATT) for a colloquy.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from South Carolina (Mr. CLYBURN) and I had an amendment that we filed yesterday to forgive the debt owed by the Pee Dee Regional Transit Authority to the Federal Transit Administration. We are not going to bring this amendment up for a vote, but I would like to engage my colleague, the gentleman from Alaska (Chairman YOUNG) in particular, in a colloquy on this issue if agreeable.

Mr. Chairman, the Pee Dee Regional Transit Authority, PDRTA, is responsible for transportation and transit services in an area which encompasses 20 percent of South Carolina, more than 5,300 square miles in some of the most poorest, most rural areas of our State.

In the year 2000, the Federal Transit Administration's triennial review found that PDTRA had incorrectly used revenues from contract services as local match for operating assistance grants. The PDRTA finance director at that time determined that PDRTA owed an amount of $895,083 to the FTA, although this number has not been verified by audit by the FTA.

PDTRA has completely replaced their management, reformed their business practices, and begun quarterly payments on the debt of around $20,500. With an overall budget of $3.5 million, these quarterly payments have crippled their ability to expand services and to improve access to jobs and medical facilities in this underserved region.

For this reason, the regional administrator of the FTA expressed in a January 31, 2001, e-mail to me that he supports PDTRA's efforts to obtain debt forgiveness. The gentleman from South Carolina (Mr. CLYBURN) and I both support the regional PDTRA administrator's position in favor of debt forgiveness. I am just asking the chairman and ranking member for help in trying to resolve this matter in conference.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, the regional transit authorities are important to transportation in rural areas. I would be happy to discuss this matter further with the gentleman from South Carolina (Mr. CLYBURN) and the gentleman to determine whether we can help with the problems in South Carolina.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, like the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Mr. OBERSTAR) and I believe strongly in the importance of regional transit authorities and will work with the gentlemen from South Carolina (Mr. CLYBURN) and (Mr. SPRATT) to find an agreeable solution to this issue in conference.

Mr. SPRATT. Mr. Chairman, if the gentleman would further yield, I thank both gentlemen and look forward to working on this issue as the conference committee begins its deliberations. I thank the gentleman very much for this opportunity.

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

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Again, I want to thank the chairman of the full committee, chairman of the subcommittee, ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the staff members, the leadership in the House, everyone who has contributed to what I think is an extraordinary product in this bill.

This bill is going to make vital investment in the crumbling infrastructure of the country to refurbish it, maintain it, improve it. It is going to anticipate growth needs and congestion. It is going to contribute to the growth of our economy. It is going to put tens of thousands, hundreds of thousands of people to work, and we do all this without borrowing any money, creating anymore deficit or debt. That is the most extraordinary thing about this bill and the most notable achievement.

We, unlike many other Federal programs, have an investment that is totally paid for by the taxpayers and will be of tremendous benefit to those same taxpayers. The money will be spent in the manner in which it was intended when it was collected from individuals and from commercial drivers at the pump, and this will be, I believe, the signature domestic legislation of this Congress in terms of the positive impact on the economy of our country.

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

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

I echo the words of my good friend, the gentleman from Oregon (Mr. DEFAZIO) and, of course, the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

I would also like to not only thank my staff but everybody who has dealt with me for the past 4 years on this legislation. This is a very frustrating position to be in when the cash flow is not really what we wanted it to be and yet trying to achieve what is necessary for this country, and that is a good infrastructure system.

I am convinced that we will be revisiting this issue when this bill is on the President's desk in the years coming because we have a real challenge in this great Nation of ours. We have heard it time and again about how people are delayed and how product is delayed and how our bridges are crumbling, our roads are crumbling. These are not myths. These are actual facts. It was testified before us that we actually need probably $500 billion to make sure this country keeps moving, to be competitive with that competitive China.

So this is just a small step forward, and I will agree with my friend from Oregon; I do believe this will be the premier domestic legislation that we will pass that will affect more lives immediately than any other piece of legislation we will have before this body in the next 14 months.

I am proud of the fact that we have been able to do this in a bipartisan fashion. I am proud of the fact that we have been able to, in fact, craft this bill, and there has been lots of cooks in this kitchen, but we have managed to bring everybody together, and I think come out with a very, not think, I know, a very good product in TEA–LU.

Now, we are going to go to the Senate after I hope everybody votes for this legislation. We will go to the Senate. God willing, they will move something, and we will have this bill done before the first of June.

□ 1330

And for that I thank each Member of this House, for participating in the process and showing the public how this House can work together to produce a product for the benefit of this Nation.

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

Mr. DEFAZIO. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, the gentleman from Alaska (Mr. YOUNG), our chairman, expressed it very well. We are on the brink of a new era in transportation, with a substantially increased investment in transportation. It is and will be, as the title of this bill describes, transportation equity and a legacy for users, a legacy of a substantially increased investment in surface transportation; highways, bridges, and safety, over $6 billion, over the next years of this legislation.

There is substantial investment in transit, the fastest growing segment of transportation over the last 5 years, adding 1 million new riders a day in transit systems. New innovations, truck lanes that the chairman has strongly advocated will be part of this legislation; increased funding for ferry service, to take more pressure off our roads. The environmental provisions of this provision are far-reaching, forward-looking, and visionary. We have a good beginning on this legacy for users of our transportation system, properly named.

In coming to this point, I, of course, want to thank our chairman, as I have

done at the outset, for his leadership and standing firmly for the $375 billion we truly ought to be investing in transportation, but with the opener we have the opportunity to come back and do this again. And also thank you to the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and my very good friend and partner, the gentleman from Oregon (Mr. DEFAZIO), who is our ranking member on the Subcommittee on Highways, Transit & Pipelines.

Also our committee staff on both sides have worked tirelessly and selflessly toward this objective: Dave Heymsfeld, Ward McCarragher, Kathie Zern, Dara Schlieker, and Jen Walsh.

Ken House, Art Chan, Stephanie Manning, and Eric Van Schyndle, who spent an enormous amount of time on the Member high-priority projects. Beth Goldstein, and from the staff of the gentleman from Oregon (Mr. DEFAZIO) Kathie Dedrick.

We have also had unsung heroes and heroines: our unpaid interns Lauren Reed and Homer Carlisle.

The Legislative Counsel's office: Dave Mendelsohn, who I have known for years and who is a fount of knowledge on the crafting of the right legislative language; Curt Haensel and Rosemary Gallagher.

And Susan Binder and Ross Chrichton from the Federal Highway Administration.

That old African adage that it takes a village to raise a family, well, it really took a village of staff, of Members, of support, of participation by the leadership to produce this child, this Transportation Equity Act, this Legacy For Users. Let us move forward to make this the Transportation Century.

Mr. HASTERT. Mr. Chairman, I rise today in support of H.R. 3.

I'm glad this day has finally come. This is one of the most important bills this Congress can pass.

I designated this Highway and Transit Reauthorization as H.R. 3 because of its importance as the economic growth and jobs bill for this legislative year.

It's estimated for every $1 billion we spend on road construction, nearly 48,000 jobs are created.

But it's more than just jobs. We need an adequate infrastructure to move people and the materials they make efficiently.

With more than 67 percent of the Nation's freight moving on highways, economists believe that our ability to compete internationally is tied to the quality of our infrastructure.

In an era of just-in-time delivery and an increasingly global economy it is unacceptable that traffic congestion currently affects 33 percent of all travel on America's major roadways; leading to 3.6 billion hours of delay each year.

I congratulate Chairman YOUNG and the Transportation and Infrastructure Committee for producing a bill that addresses this Nation's need for a transportation system suited to the 21st century's economy.

Further, Chairman YOUNG and the Committee have written a fiscally responsible bill at a $283.9 billion funding level that fits within our budget and that the President can sign.

Given the demands of the infrastructure needs and the delicate balance that must be maintained among competing interests for highway and transit funds, this is no small accomplishment.

Today, the House of Representatives will prove that it is possible to pass a fiscally responsible Highway bill.

It is now up to the other body to quickly match our effort and get into conference so this legislation can be enacted into law before this year's construction season passes for States in the North.

The time is over for any further delay in reauthorizing these vital infrastructure programs.

For 2 years, uncertainty and delay over establishing multi-year funding levels has hampered our and the States' ability to plan for and build transportation systems.

In conclusion, I want to thank Chairman YOUNG, Ranking Member OBERSTAR and the members of the Transportation and Infrastructure Committee for producing this legislation.

To quote our Majority Leader TOM DELAY—who was also instrumental in getting us to this point—it is time to "get it done."

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of this legislation.

I would like to commend the efforts of Chairman YOUNG and Ranking Member OBERSTAR as well as Subcommittee Chairman PETRI and Ranking Member DEFAZIO for their tireless efforts on crafting a strong bipartisan bill.

As we all know, this legislation has been a long time coming and I would like to extend my gratitude to these four men for the work they have done to produce such a strong bipartisan bill.

In today's current environment in the House, it is really a testament of how Chairman YOUNG and Mr. OBERSTAR run the committee and put the needs of United States infrastructure before partisan issues.

This is one of the most important pieces of legislation for me because of the benefits it will provide to my district.

Without the leadership of Mr. YOUNG, OBERSTAR, PETRI, and DEFAZIO and the incredible staff they have on the Transportation and Infrastructure Committee our Congressional Districts would still be waiting for the much needed funding to repair and improve of roadways.

I would like to thank you on behalf of my constituents for all the work you have done.

Mr. GERLACH. Mr. Chairman, I rise in support of H.R. 3 and commend Chairman YOUNG and Ranking Member OBERSTAR for their hard work in bringing this bill to the floor. As a Member of the House Transportation and Infrastructure Committee, I am proud of the work of our committee and am hopeful that we can enact TEA–LU quickly to give out State departments of transportation the stability and resources they need to plan for, design and build important highway and transit projects.

I would also like to highlight a few issues that I look forward to working with the chairman and ranking member on as this bill moves forward.

First, I strongly support a provision that was included in S. 1072, the Senate's version of the reauthorization in the 108th Congress. This provision, section 1620 of S. 1072, would provide a 2 percent set aside of funds to be used to address stormwater mitigation. If included in H.R. 3, the provision would bring over $29 million back to Pennsylvania to help address some of the major stormwater runoff problems. Stormwater runoff is a significant source of water pollution, untreated sewage overflows, beach closings and flooding. I believe addressing this need with specific funding in the bill to correct runoff problems associated with existing highways is good policy. Many of the communities in my own district have to deal with the impacts of runoff from highways and roads, yet have no funding to do so. This provision would correct this problem and give local communities access to much-needed funding for stormwater mitigation.

Second, I have worked with my colleagues on the Transportation and Infrastructure Committee from Pennsylvania to address a problem that has recently come to our attention regarding "flexing" of Federal highway dollars to shore up the operating budgets of Pennsylvania's transit agencies. I hope that the chairman will continue to work with us to see that our concerns are taken into account. While I certainly understand the ongoing crisis confronting SEPTA and the Commonwealth of Pennsylvania's other transit agencies, and hence believe the flexing of Federal highway dollars may provide an appropriate, short-term answer to the agency's budgetary problems, I likewise believe that any agreed-to flexing plan should be contingent upon an agreed-to repayment of these much-needed dollars within a short and fixed time period. These highway dollars are absolutely critical to the continued improvement of our region's road infrastructure. While the Pennsylvania Legislature and Governor Rendell continue to work toward a permanent solution to mass transit funding, the need to provide transit agencies with a "hand up" with these dollars may be appropriate. But that assistance should only be provided if the Commonwealth agrees to return these dollars to the effected MPOs within a specified time period to ensure the use of these dollars for the initial purposes for which the appropriations were made by the Federal Government. Further, I would like to see a plan in place to assure that the projects delayed by the flexing action are fast-tracked once the flexed dollars are returned.

Mr. Chairman, providing flexibility to our metropolitan planning organizations is a laudable goal, but these Federal dollars were never intended to plug holes in the operating budgets of transit agencies, I therefore ask the chairman and members of the committee to work with us to achieve an acceptable solution.

Finally, in the section 307 of the National Highway System Designation Act of 1995, there was included a provision that prohibited states from imposing arbitrary overhead rate caps. Section 307 did have its desired effect, most States are following common overhead and auditing procedures that promote quality design work. The problem is that section 307 provided states a window of opportunity to opt out of the Federal Highway Administration FHWA, overhead and auditing procedures by adopting State laws establishing alternative procedures. Thirteen States have taken advantage of this opt out and passed law to impose arbitrary overhead rate caps.

As a result, Congress cannot be assured that the most qualified firms are being selected for working on Federal-aid design projects. At the same time, many of these States require their own audits with their own procedures, instead of accepting the uniform

audit procedures used by most of their peers. This places unnecessary burdens on engineering firms and diverts time, staff and focus away from the technical aspect of the project.

Section 1703 of S. 1072, the Senate version of the highway reauthorization in the 108th Congress, included a permanent fix for this problem and I hope that the provision finds its way into the final bill.

Again, I would like to commend Chairman YOUNG and Ranking Member OBERSTAR for their commitment to our Nation's highways and transit systems. I am proud to support H.R. 3 and urge all my colleagues to support the bill as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to commend Chairman YOUNG and Ranking Member OBERSTAR, as well as the subcommittee leadership for their hard work in crafting the underlying legislation. However, I offer my support for the manager's amendment that seeks to incorporate very important initiatives that were contained in some of the amendments that were made in order by the Committee on Rules.

While the underlying bill before us proposes to provide $620 million for some 175 high priority projects in the State of Texas, there remain issues that will pose significant problems for Houston and for Texas unless this body offers its commitment to address in the future.

Toll credits are a significant resource for transit providers because they can use them in lieu of obtaining a Federal match—thereby greatly expediting the development of major projects that serve the communities. This amendment will cripple the value of the toll credit program.

Without the revenue from toll credits, Texas will have less funding for the reduction of congestion and the improvement of air quality. In reducing an otherwise viable revenue stream, this amendment would restrict local governments like Houston from choosing the best tool to respond to local conditions and priorities. I would have voted against the amendment that would prohibit the tolling of new interstates, including the I–69 Corridor, which lacks an alternate source of financing.

I ask that the Committee on Transportation and Infrastructure continue its efforts to provide funds to complete the Interstate 69 Corridor. The termination of the Interstate Program in 1995 left no mechanism to finish the Nation's few remaining incomplete Interstates such as I–69. Currently, there is no program to fund major projects which benefit the Nation as a whole but whose costs exceed States' apportioned funds. Based on these needs, I ask my colleagues to include the National Corridor Infrastructure Improvement Program and the Projects of National and Regional Significance provisions in the bill underlying today. Furthermore, I ask that the committee include them at a funding level equal to those included in H.R. 3550.

The Greater Houston area is subdivided into 6 counties: Chambers, Fort Bend, Liberty, Montgomery, Waller, and my District, Harris. Harris County contains the city of Houston and the largest concentration of people. In the year 2000, approximately 3.5 million people lived in Harris County alone—by far the most populous area. Over the next 20 years, the population of the Houston region will continue to grow.

The historic Fourth Ward in Houston is long overdue for major transportation improvements. Within the underlying bill we have before us today are projects that propose to make critical improvements to the Main Street Corridor. The Fourth Ward emerged as Houston's most prominent African-American neighborhood when thousands of freed slaves flooded into the city after emancipation. These newcomers settled on the fringes of the Third, Fifth, and Fourth wards. The Freedmentown area north of San Felipe and the streets west of downtown not only attracted the largest number of the new black residents but also housed the first black churches, schools, and political organizations. Several factors combined to facilitate the subsequent growth of the Fourth Ward's black community. I would ask that my colleagues take these requests under strong consideration after passage and leading into the conference report.

Improvements to Houston's and Texas' infrastructure will be the priority for me and for my colleagues. Statistically, Houstonians travel more miles per day than there are miles between the earth and the sun. The distance between the earth and the sun is about 93 million miles. Houstonians drive about 156 million miles per day.

The manager's amendment proposes key technical and program improvements to the underlying bill language. In particular, I support the changes to the calculation of ''Revenue Aligned Budget Authority,'' RABA; re-establishment of budgetary firewalls for highways and transit programs; reauthorization of the Swift Rail Act at $100 million per year, title IX of the bill; and extension of revenue provisions approved by the Ways and Means Committee.

Moreover, I support the improvements to the bill proposed in the manager's amendment. In particular, due to the tremendous bipartisan efforts of my colleagues, the amendment now includes language to guarantee that TEA 21's 90.5 percent minimum guarantee is protected, with a scope defined as no less than 92.6 percent of the highway program funds in the bill. This is a significant improvement over the bill passed by the House last year. I thank the distinguished majority leader for his work in ensuring that this measure will protect these provisions, allowing the House to move into conference in a stronger negotiating position toward achieving a higher MG above 90.5 percent. The manager's amendment makes this a better bill for Houstonians and for Texans.

I would like to offer my support for the amendment offered by Mr. DAVIS of Virginia that will ensure that tolls are applied equally to all users of toll facilities. This amendment would eliminate language in the underlying bill that requires lower tolls to be charged to low income drivers. Since the administration of differential tolls may be challenging for our existing and future toll authorities, this amendment will make important adjustments to the underlying bill.

Secondly, I support the Burgess amendment, which would change the calculation for transportation development credits to ensure that Texas and other States with toll facilities are able to take full advantage of these credits for the benefit of our transit, highway, and highway safety programs. This proposal is vital to the provision of a pro rata calculation of the credits so that we are not penalized for using Federal dollars in our transportation development projects. I support this amendment and ask that my colleagues join me as the Gentleman brings this proposal to the floor.

Furthermore, I support the proposal of Mr. PITTS that would provide a temporary transition period for transit entities, including three in Texas, that, under the most recent census, are now subject to the over 200,000 population prohibition on the use of transit formula dollars for operating expenses. The Pitts amendment would allow those small transit entities in this new situation to use up to 50 percent of their formula funds for operating expenses for fiscal years 2005 through 2007 and up to 25 percent of the formula funds for operating expenses in fiscal years 2008 and 2009.

In addition, I join my colleague from Texas, Mr. BARTON in the initiative of his amendment to require studies and assessments of risks to human health or the environment to use sound and objective scientific practices.

Due to the short time allotment given to the floor debate on this measure, I was unable to engage the distinguished ranking member from Minnesota in a colloquy. I wanted to discuss two very specific and very significant issues that relate not only to Houston, but to Texas and many other States that have developing infrastructure and economic cores.

I would have asked the ranking member for his assistance in maintaining the issues that I underscore here as priorities as he and his fellow conferees move closer to finalizing negotiations on this measure. These issues speak to (1) the need for increased transit-related funding in future authorizing and appropriating measures, and (2) the need to maintain Federal oversight of the way in which States and localities regulate the flow of interstate traffic. The Metropolitan Transit Authority of Harris County, METRO, is the agency charged with the public transportation and transit needs. METRO has worked over the past 2 years to create a long-range plan for mass transit in the Houston area. After having worked with the community to receive input, the METRO board of directors adopted a blue-print for its long-range plan called ''METRO Solutions.''

The METRO Solutions plan includes: (1) 50 percent increase in METRO's bus service, including approximately 44 new local, signature express, express, and Park & Ride bus routes, (2) nine new Transit Centers and nine new Park & Ride lots, as well as expansion and upgrading existing facilities, (3) expansion of the METRO Rail line and commuter line components, including an overall plan with 72.8 miles of rail, and (4) extension of the payments to local governments for street and other mobility improvements for five additional years, 2010–2014. Texas has a transportation code and it is authorized to act in this field of local government through METRO.

I believe that long-term and comprehensive projects such as that of Houston METRO should be given full Federal support? I would add that the authorization process should allow for innovative financing options to allow projects such as METRO's Advance Transit Plan, ATP, and METRO Solutions.

I would ask that the appropriators and authorizers remain open-minded in crafting measures such as H.R. 3 to the transit needs that exist in areas like Houston, the fourth largest city in the Nation. The distinguished majority leader has been cited as advocating the need for more innovative financing to build infrastructure and to foster economic activity.

Given the situation that Houston METRO and other similar entities face with administrative delays that stem from a very lengthy funding process, I ask that our colleagues follow

the leadership of the majority leader from Texas.

We should go to conference and continue to work with the committee to maintain the need for innovative financing for major transit infrastructure.

We should remain committed to maintaining the need for financing options for transit projects that promise to foster economic activity as a priority. Also, with respect to the issue of the need to maintain Federal oversight of the way in which States and localities regulate the flow of interstate traffic, a program called ''SAFE Clear'' has been initiated in the city of Houston and is in the city ordinance.

I congratulate the mayor and city council on the vigorous work that its Office of Mobility has done to improve transportation throughout the city of Houston and remain eager to collaborate with them to facilitate this endeavor from the Federal level.

However, I must make my colleagues aware that, through feedback that I have received from my constituents, the program has disproportionately affected certain groups of motorists, particularly those of lower socio-economic status and those who are or who primarily transport the elderly. While the proposed improvements to the ordinance that provide a ''free tow'' could serve our goals well, motorists who do not qualify for a ''free tow'' will possibly suffer from the disparate effects of the ordinance complained of by constituents.

I ask that the Transportation Conference ensure that provisions are included in this measure and measures in the future that maintain Federal oversight over the regulation of interstate travel. The potentially disparate overall effect of the ordinance merits further analysis, research, and oversight.

I hope we will continue to provide oversight over programs such as this through the legislation that is crafted in committee.

Mr. Chairman, for the foregoing reasons, I support the drafters of this legislation for their efforts to fund priority projects and urge my colleagues to do the same.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through TEA–LU, a bill that I will support despite its flaws. The Department of Transportation studied the Nation's infrastructure and prescribed a $375 billion solution. In the 108th Congress, I joined the leadership in endorsing the original version of this bill, which filled that prescription. Unfortunately, the administration is unwilling to come up with the support necessary to ensure that we are able to maintain and improve the Nation's infrastructure, and threatened to veto any bill that authorized more than $283.9 billion. As a result, we are today considering a bill that does not do nearly enough to improve the quality of life for individuals living in New York City and around the country. I look forward to working with the Committee leadership to see that this bill is improved in conference.

Mr. Chairman, as this bill moves to conference, I want to highlight four issues that are of particular import to me and my constituents. It is my hope that the conferees will include these improvements in the conference report.

First, this bill should ensure that resources are devoted by formula to states that require improvements. The minimum guarantee program shifts funding from states that have the greatest need—like New York—to other States. Each year, New York provides $20 billion more to Washington than it gets back. New Yorkers ought not be punished for our efforts to conserve fuel, as any expansion of the minimum guarantee program would do.

Second, this bill shortchanges New York on transit funding. Despite having almost half of the Nation's transit ridership, New York's share of transit funding leaves much to be desired. Transit funding should better reflect need.

Third, I hope that conferees will ensure that States starved for a consistent funding stream for ferries and waterborne transportation can count on funding from the Ferry Boat Discretionary Fund. I am acutely aware of how much a guaranteed stream of funding would mean to improve both congestion and homeland security all across the country, and particularly in New York City, where roads are clogged on a normal day, and ferry transportation would provide not only congestion relief but another way to ensure escape from Manhattan in the case of a terrorist attack. At a minimum, New York should receive $5 million per year. I hope conferees will work with me and other Members who represent districts that would benefit from a guaranteed ferry funding stream.

Fourth, I hope that conferees will work with me to ensure that the generous funding we have provided for Senior transportation in this bill is put to its best use. I believe that establishing a center for best practices and a technical assistance center, would provide an enormous service to this nation's elderly population.

Nevertheless, Chairman YOUNG, Mr. OBERSTAR, Chairman PETRI, and Mr. DEFAZIO deserve the thanks and appreciation of every Member of this House for their tireless effort to ensure that the Nation's surface transportation systems receive the resources required to keep America moving.

In particular, I would like to thank both the Democratic and Republican staff of the Transportation Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. In particular, I would like to thank Ken House, Clyde Woodle, Eric Vanschyndle, Ward McCarragher, Kathleen Zern, David Heymsfeld, Dara Schleiker, and Sheila Lockwood of Mr. OBERSTAR's staff. Additionally, I would like to thank Jim Tymon of Mr. YOUNG's staff for his willingness to work with me on the issue of Ferry Transportation.

I would also like to thank Tom Kearney, Tom Herritt and their colleagues at the Albany Office of the Federal Highway Administration, Nancy Ross, Fred Neveu, Ron Epstein and their colleagues at the New York State Department of Transportation, and Andra Horsch and David Woloch and their colleagues at the New York City Department of Transportation.

Ms. LEE. Mr. Chairman, I rise in support of H.R. 3, the Transportation Equity Act: A Legacy for Users.

Mr. Speaker, TEA–LU represents the Federal government's ongoing commitment to improving our Nation's entire transportation system for the benefit of everyone.

Our taxes pay for this infrastructure, and this infrastructure is the lifeblood of the commerce that fuels our Nation. The profits of every single business are dependent on this transportation network, and in turn, are dependent on our willingness to pay the taxes that fund this network.

The very existence of our roads, our highways, our rail lines, our ports and our airports is testament to the critical role of the Federal government as the embodiment of our collective responsibility.

It's the elegantly simple idea that by paying your taxes you improve the quality of life of every person in this country and lay the foundation for a strong economy that benefits everyone.

Federal, State and local governments, corporations, small businesses, individuals—all of us have a responsibility to contribute our share. It is our right to use this infrastructure, but it is also our duty to maintain and improve it for the future.

While we plan for the future, the benefits are real, now.

In my district this bill will provide funding to a number of worthwhile projects that will improve the quality of life for my constituents, the State of California and the entire Nation.

One project in particular that I'm very proud of is the Ed Roberts Campus. This state of the art project makes it easier for people with disabilities to get around. It links eight disability organizations to create a multi-tenant facility that will serve as an intermodal transit center as well as a transportation information and travel-training center for people with disabilities.

The Ed Roberts Campus will play a major role in assisting and teaching people with disabilities to live their lives independently. And because it will be located above the Ashby BART station in Berkeley, its reach will stretch throughout the entire Bay Area, simultaneously serving as a model for urban independent living throughout the Nation.

I'm proud to support the Ed Roberts Campus, and I'm happy to announce that $3 million will go towards it through TEA–LU.

Another set of projects that I'm also very proud of are the transit oriented developments planned in the City of Oakland and the City of Emeryville. Transit oriented development is a relatively new concept that joins housing, business, public transportation and recreational areas into one liveable community.

We have been on the cutting edge of transit oriented development in my district from the very beginning. And last year's successful opening of the Fruitvale Transit Village in Oakland has served as a model for other transit oriented development projects in the Bay Area and throughout the country.

I'm happy to announce that TEA–LU will directly provide another $2 million for such projects in Oakland and Emeryville.

Another issue of concern and an area where this bill makes an immediate impact for my constituents is the construction of sidewalks in several unincorporated areas in Ashland and Cherryland in my district.

Even though sidewalks are often taken for granted—for a child, the simple act of walking to school can be treacherous without them. Thanks to TEA–LU, we will have another $1 million to construct those sidewalks and keep these kids safe in many neglected parts of my district.

The funding in TEA–LU for these and other projects is incredibly important to me and my constituents. But the truth is we need much more funding and not just in my district, but throughout the country.

Our transportation system is aging. The growth and sprawl of many of our cities has

strained transportation networks throughout the country, and placed a greater burden on our environment.

I commend my colleagues on the Transportation and Infrastructure Committee for trying to address these problems through TEA–LU. But the President must also do his part and support more funding.

Make no mistake, this is not just about transportation. This is about jobs. This is about the health of our environment, and the health of our economy.

Every state, every city, and every member is invested in this piece of legislation, because this bill makes an investment in America.

The decisions we make today will affect the health of our nation for decades to come. And I hope that the President listens to us and makes the right one.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the hard work of my colleagues, Chairman DON YOUNG, Ranking Member JIM OBERSTAR, Chairman TOM PETRI, and Ranking Member PETE DEFAZIO.

This legislation will help our nation keep up with its ever growing transportation needs, but I want to add that it does fall short.

It falls short because we have not indexed the gas tax or added the small increases necessary to allow the country to successfully grow.

The Department of Transportation estimated that it will take at least $350 billion to keep up with our transportation needs, but the Administration has drawn a line in the sand at $289 billion.

I would ask the President to look back at Texas, where the Republican leadership is now seriously considering indexing the Texas state gas tax, as I proposed many years ago in the state legislature.

The gas tax is the easiest tax to defend for a politician, because the benefit to drivers is obvious, and if you don't use your car or truck on the roads, you don't have to pay it.

Now we forced into a situation where every new highway in America will be tolled, something my middle and low-income commuters and professional truck drivers vigorously oppose.

So I support this legislation, but I also support the re-opener provision that allows us to consider a gas tax index proposal in the future.

I also support further efforts in conference to increase the scope of the minimum guarantee and increase the rate of return on that minimum guarantee. Texas deserves at least 95 percent of the gas tax revenue that we pay into the system.

I support the efforts of the Majority Leader to improve our rate of return, but I also encourage him to study what his colleagues, including the Speaker of the Texas House, are considering for the state gas tax.

This legislation also included two projects of critical importance to my area in Houston, the reconstruction of Clinton Dr. near the Port of Houston and the construction of US90 from the Beltway into Loop 610.

Clinton Dr. is currently in a state of disrepair causing safety concerns and the constant maintenance work is a drain on local resources.

US90 will provide much needed mobility for Northeast Harris County, by completing a project that has been on the books for many years. Development along this corridor will be encouraged and greatly improve the area.

I want to thank Congressman TED POE for working with us on the US90 project, which will also benefit his constituents by providing another route into central Houston and by relieving traffic on I–10 east and US 59 North.

Mr. Chairman, I encourage my colleagues to vote for the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I insert into the RECORD an exchange of letters between myself and Chairman POMBO regarding H.R. 3.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 9, 2005.

Hon. DON YOUNG, Chairman,
Committee on Transportation, and Infrastructure, Rayburn HOB Washington, DC.

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 3, the Transportation Equity Act: A Legacy for Users, as ordered reported from the Committee on Transportation and Infrastructure on March 2, 2005. I believe that the Committee on Resources has a substantial jurisdictional interest in many provisions of this important legislation including streamlining of procedures under the National Environmental Policy Act and resolving confusion on highway construction and section 106 of the National Historic Preservation Act

Further, this Committee maintains jurisdictional interests in provisions affecting recreational trails, highways on federal public lands (including national parks, Indian lands and public domain forest lands), the National Scenic Byways Program, projects to benefit wildlife, highway safety as it applies to Indian country.

Recognizing that this historic bill is scheduled to be considered by the House of Representatives this week, and noting the strong spirit of cooperation and coordination your staff has shown mine in the development of this bill, I will forego seeking a sequential referral of H.R. 3 to the Committee on Resources. Waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 3 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Congressional Record during consideration of the bill.

Following your mark-up of H.R. 3, I want to acknowledge your efforts on the bill's environmental provisions, many of which touch upon Committee on Resources jurisdiction. I commend your efforts to streamline the environmental review process under the National Environmental Protection Act as well as Section 4(f) procedures. However, I do have serious concerns about the provision dealing with the pilot program for mass transit in National Parks. This provision address issues that lie squarely within the jurisdiction of the Committee on Resources and should be addressed in that context. Moreover, the bill passed last year by the Senate, S. 1075, contained a number of troubling provisions that I feel should not be included in any version of transportation legislation. These provisions include language relating to the Endangered Species Act and programs to address invasive species. Thank you for not including these provisions in your bill.

I appreciate your leadership and cooperation on this bill and I look forward to working with you to see that H.R. 3 is enacted into law soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 10, 2005.

Hon. RICHARD W. POMBO, Chairman,
Committee on Resources, Longworth HOB, House of Representatives, Washington, DC 20515

DEAR MR. CHAIRMAN: Thank you for your letter of March 9, 2005, regarding H.R. 3, the Transportation Equity Act: A Legacy for Users. Your assistance in expediting consideration of the bill is very much appreciated.

I agree that there are provisions in the bill that are of jurisdictional interest to the Committee on Resources and I agree that by foregoing a sequential referral the Committee on Resources is not waiving its jurisdiction.

I would be pleased to support the representation of your Committee in any conference on H.R. 3 on matters within the jurisdiction of the Committee on Resources. And, as you have requested, I will include this exchange of letters in the Record. Thank you for your cooperation and your continued leadership and support in surface transportation matters.

Sincerely,

DON YOUNG,
Chairman.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the "Transportation Equity Act: A Legacy for Users," a vitally important bill that will provide much-needed federal resources to improve the highways and infrastructure in all fifty States.

Highway and transit spending is a critical investment in national security and essential to our country's economic welfare and way of life. This is especially relevant at a time when our economy is losing more than $78 billion annually due to highway congestion. Mr. Speaker, Americans waste more than 3.6 billion hours in traffic delays, and thousands of Americans die each year due to substandard road conditions.

Further, this highway bill will create millions of quality, high-paying jobs across America and thousands in my home state of Connecticut. At a time when too many Americans are either unemployed or "underemployed," such construction and infrastructure work will contribute significantly to the quality of life for many working families.

I look forward to a healthy debate on the details of this bill, but there is no question that the overall benefits of this bill will be felt by every American family. When they use our improved and safer highways to get to work, school, church, vacation, or just home, Americans will appreciate the investment we will make with passage today of this legislation.

I know that my constituents in Connecticut's Second District will especially appreciate the investment made under this bill. The measure we will pass today includes $45 million for high priority projects for towns across the Second District. Whether it is the resources to finally get construction of Route 11 moving, to build Vernon's intermodal center, to make improvements to Enfield's South Maple Street bridge, or any of the other projects included, TEA–LU delivers for eastern Connecticut.

Mr. Chairman, in 1956 the 84th Congress passed and President Eisenhower signed into law the Federal Aid Highway Act to promote and invest in the interstate highway system. This law created jobs, stimulated the economy, led to new revenues that reduced our

Nation's debt, and brought life-changing improvements to the way Americans lived, worked, and played.

Nearly 50 years later, we must follow the same vision and courage that President Eisenhower and the Congress displayed then and once again invest in America by passing legislation to improve our Nation's highways and infrastructure.

Mr. KUHL of New York. Mr. Chairman, I rise today to encourage my senior colleagues in the upcoming conference on the highway bill to agree to a provision which will appear in the Senate highway bill to more cost effectively use funding under the Congestion Mitigation and Air Quality Improvement Program—the so-called CMAQ program.

CMAQ is a program which has been used in the past to fund air quality improvements. It's a good program, but I think we can make it a lot better. Here's how.

Congress asked the National Research Council of the National Academy of Sciences to examine the cost-effectiveness of the CMAQ program. The Council reported that CMAQ funding could be used more cost effectively in the future to reduce pollution caused by fine particulate matter. This pollution is the most serious threat to human health. It has also been found to be 10 to 20 times more damaging to human health than other pollutants, like ozone, that have been historically the focus of CMAQ. And, EPA has found that excessive amounts of fine particulate matter are causing air quality problems for over 100 million people throughout the country.

The Senate amendment recognizes this reality and rebalances CMAQ toward the use of technologies which will reduce fine particulate matter. This change will focus CMAQ on the right issue. And, as importantly, it will result in a far more cost-effective use of limited government resources. The National Research Council found in its study commissioned by Congress that CMAQ is currently being used to fund projects that cost as much as $252,000 per ton of pollution reduction. In the future, CMAQ can be spent on diesel retrofit technologies, made in my district, which can reduce pollution for a maximum of $5,300 per ton—nearly a 50 times improvement in cost effectiveness. In fact, diesel retrofits, in many circumstances, are the most cost-effective way to use CMAQ funding.

In light of these facts, I strongly urge my senior colleagues who will be involved in the upcoming conference on the highway bill to adopt the Senate amendment to use CMAQ to fund the installation of diesel retrofit devices on heavy duty diesel vehicles used on construction sites. This amendment was included in last year's Senate bill and, from what I understand, will very likely be included in Chairman INHOFE's bill for consideration in his Committee next week. And, significantly, the Administration strongly endorsed the amendment during the debate over the highway bill last year.

Reduction of fine particulate matter emitted by heavy duty diesel vehicles has been a centerpiece of the President's environmental policy. He spoke about this during the Presidential debate. And, in his FY06 budget, he proposed the appropriation of $25 million to deploy diesel retrofit technology on a range of heavy duty vehicles from school buses to dump trucks.

Mr. Chairman, I am very proud to promote the use of diesel retrofit technology because it was invented in my district by Corning Incorporated. As many of my colleagues know, Corning was founded by the great, great grandfather of our distinguished former colleague, Amo Houghton. Under the Houghton family leadership, Corning has been a technology leader. In fact, it will receive the Technology Medal of Honor next week by President Bush for its invention of the core element of a catalytic converter. Diesel retrofit technology was built on this core invention.

In closing, Mr. Chairman, I strongly urge the leadership to accept the Senate amendment in conference, because it will lead to the most cost-effective use of CMAQ, because it will advance the use of technology to clean up the biggest threat in the environment to human health, and because it is a centerpiece of the President's environmental policy.

Mr. KIND. Mr. Chairman, I rise in support of H.R. 3, the Transportation Equity Act. I want to acknowledge the work of the Transportation Committee on this complex bill and especially thank my friend and colleague from Wisconsin, Mr. PETRI, for his leadership on the legislation; the Wisconsin delegation is lucky to have such a strong advocate for our citizens.

We all know that transportation bills are jobs bills, and now is certainly the time that we need more jobs throughout the country. I consistently hear from constituents who are searching for work; who have sent out dozens of résumés and updated their skills but remain unemployed. Each billion dollars spent on highway funding creates not only safer and better roads: it also creates an estimated 47,500 new jobs. An investment in highway funding is an investment for steady work for those in Wisconsin and around the nation.

Furthermore, I am pleased that the bill recognizes the importance of funding crucial highways and bridges in Wisconsin's Third Congressional District. Specifically, the inclusion of funding for the Stillwater Bridge, which connects Houlton, Wisconsin, and Stillwater, Minnesota, is great news for those of us who have been working on this project for years. The bridge is only one example of an important project that will provide the nation with safer roads, shorter commutes, and better jobs.

Finally, I would like to recognize the important conservation provisions that are retained in H.R. 3. These provisions include funding for refuge road maintenance, recreational trails and forest roads, as well as funding to facilitate fish passage. It also includes new money for signs to identify hunting and fishing areas accessible to the public. One of the most important provisions is authorization to facilitate a study to help reduce the growing number of highway accidents involving wildlife. I urge my colleagues to support the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3, the Transportation Equity Act: A Legacy for Users (TEA–LU). I commend Chairman DON YOUNG and Ranking Member JIM OBERSTAR of the Committee on Transportation for their leadership in drafting this legislation and I thank them for supporting my request to set aside $16 million for high priority projects in American Samoa.

This funding is in addition to American Samoa's annual federal highway funds and will be used for village road improvements, drainage mitigation, shoreline protection and upgrades and repairs of the Ta'u ferry terminal facility.

In consultation with the Honorable Togiola Tulafono, Governor of American Samoa, we have set aside $10 million for village road improvements in the Eastern, Western, Central and Manu'a districts of American Samoa.

In consultation with Senator Tuaolo Fruean and High Paramount Chief Mauga and members of the Pago Pago council of chiefs, we have set aside $1 million for drainage mitigation for Pago Pago village roads.

In consultation with Senator Tago Suilefaiga, Representative Fagasoaia Lealaitafea and Representative Mary Taufete'e and members of the Nuuli council of chiefs, we have set aside $1 million for shoreline protection and drainage mitigation for Nuuli village roads.

In consultation with Senator Faiivae Galea'i, Senator Lualemaga Faoa and members of the Leone and Malaeloa councils of chiefs, we have set aside $1.4 million for drainage mitigation for Malaeloa-Leone village roads.

In consultation with Senator Liufau Sonoma and Representative Paopao Fiaui, we have set aside $1 million for shoreline protection and drainage mitigation in Aua village.

In consultation with Senator Faamausili Pola and members of the Ta'u village council of chiefs, we have set aside $1.6 million to upgrade and repair the Ta'u harbor facility.

Like other insular areas, American Samoa will continue to receive its annual share of federal dollars provided by the Territorial Highway Program. The Territorial Highway Program includes American Samoa, Guam, the Virgin Islands and CNMI. Based on population, area, road mileage, or any combination of these factors, each Territory receives a portion of the funds allocated to the Territorial Highway Program.

To assure that American Samoa is treated equitably, I have worked closely with Chairman YOUNG and Ranking Member OBERSTAR to make sure that the administrative formula for apportionment is closely reviewed. It is my understanding that the Federal Highway Administration has not reviewed its administrative formula for ten years and I thank Chairman YOUNG and Ranking Member OBERSTAR for their commitment to revisit this issue.

Again, I commend the Chairman and Ranking Member for their leadership and for supporting my efforts to make sure that American Samoa's needs are addressed in this historic and important initiative. Without reservation, I urge my colleagues to vote yes on H.R. 3.

Mr. BOUCHER. Mr. Chairman, I rise today to express my strong support for the most effective use of the Congestion Mitigation and Air Quality program. H.R. 3, contains provisions which enable the continuation of CMAQ; however, these provisions do not include language included in the bill by the Senate in the last Congress which would alter CMAQ to ensure that new technologies which improve air quality are eligible for the funding. For example, diesel retrofits and anti-idling technologies are being used to achieve positive environmental results around the nation. Diesel retrofits, which operate much like the catalytic converter on a car, remove between 80 and 90 percent of pollutants from the exhaust stream of a diesel engine.

Because such technologies can remove pollution at a relatively low cost—approximately $5,000 per ton of pollution removed—they would be an appropriate addition to the CMAQ program. Last year the Senate added to its

version of the transportation bill a provision which would begin to focus CMAQ on more cost-effective applications including deployment of diesel retrofits and anti-idling technologies, to reduce the emissions caused by construction equipment. That provision will likely be included by the Senate again this year, and the Administration has endorsed the provision.

Use of new technologies such as diesel retrofits and anti-idling technologies could make significant improvements to the CMAQ program and reduce pollution in many areas, and I urge my colleagues to favorably consider adopting such provisions as this legislation moves forward.

Mr. RAHALL. Mr. Chairman, I rise today to voice my support for the transportation bill currently before us. TEA–LU was crafted as the result of bipartisan compromise, which is the tradition of the Transportation Committee.

I congratulate Chairman DON YOUNG, Ranking Member OBERSTAR, Chairman TOM PETRI and Ranking Member PETER DEFAZIO for bringing this bill to the floor. I also congratulate the staffs on both sides of the aisle for their hard work.

While I know I speak for many of us who would have preferred an increased funding level—more in line with the needs of our country this bill serves as a good first step as we move to reauthorize TEA 21.

Investment in transportation is one of the wisest decisions this Congress can make. For every $1 billion spend on infrastructure, 47,500 new jobs are created. That is certainly welcome news in my home state of West Virginia.

Transportation funding also spurs economic growth and development. Goods and services are delivered more quickly and efficiently, which benefits both the producer and the consumer.

In West Virginia, we have tied transportation investment to technology and tourism. New and improved roads allow for the tourism industry to thrive and the seeds of enhanced technology to be planted. In sum, transportation investment is a win-win for southern West Virginia.

As a member of the Committee, I know how hard our Chairmen and Ranking Members have worked to bring this bill to the floor. I urge my colleagues to support the underlying bill.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN (Mr. LAHOOD). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) and an amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 201, not voting 9, as follows:

[Roll No. 62]

AYES—224

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—201

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
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
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
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
Shimkus
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Baird
DeLay
Evans
Herger
Northup
Ramstad
Rogers (AL)
Stupak
Weldon (PA)

□ 1403

Messrs. GRIJALVA, ACKERMAN, and BUTTERFIELd, Ms. ESHOO and Mr. McINTYRE changed their vote from ''aye'' to ''no.''

Messrs. SHAW, LEWIS of Kentucky, LEWIS of California, BROWN of South Carolina, OTTER, SHUSTER, KINGSTON, McKEON, ABERCROMBIE, SNYDER, and OSBORNE, Mrs. WILSON of New Mexico, and Mrs. JOHNSON of Connecticut, changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Chairman today, I was requested to testify before the U.S. China Commission. Therefore, on rollcall vote 62 for H.R. 3, I was not recorded to vote. Had I been recorded, I would have voted "aye" for the amendment.

AMENDMENT NO. 8 OFFERED BY MR. PITTS

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 197, not voting 9, as follows:

[Roll No. 63]

AYES—228

Aderholt
Akin
Alexander
Baca
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (GA)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Cantor
Cardin
Carnahan
Carter
Chabot
Chocola
Clay
Cleaver
Coble
Cole (OK)
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Duncan
Edwards
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
LaHood
Latham
Leach
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
McCaul (TX)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (NC)
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ruppersberger
Ryan (WI)
Ryun (KS)
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Terry
Thornberry
Tiahrt
Tierney
Turner
Udall (CO)
Udall (NM)
Wamp
Watson
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Bachus
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blackburn
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (SC)
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardoza
Carson
Case
Castle
Chandler
Clyburn
Conaway
Conyers
Costello
Cox
Crowley
Cubin
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Gallegly
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Hastings (WA)
Hefley
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holt
Honda
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McHugh
McNulty
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Ney
Norwood
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pomeroy
Pryce (OH)
Rahall
Rangel
Reichert
Rogers (KY)
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Sensenbrenner
Serrano
Shaw
Sherman
Simpson
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Tanner
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Towns
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Waxman
Weiner
Wexler
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—9

Baird
DeLay
Evans
Northup
Ramstad
Rogers (AL)
Slaughter
Stupak
Weldon (PA)

□ 1411

Mr. BISHOP of Georgia changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WELDON of Pennsylvania. Mr. Chairman, today, I was requested to testify before the U.S. China Commission. Therefore, on rollcall vote 63 for H.R. 3, I was not recorded to vote. Had I been recorded, I would have voted "aye" for the amendment.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, the Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, pursuant to House Resolution 144, he reported the bill, as amended pursuant to House Resolution 140, back to the House with further sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. HIGGINS

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

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

Mr. HIGGINS. Mr. Speaker, I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. Higgins moves to recommit the bill H.R. 3 to the Committee on Transportation and Infrastructure and the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendments:

(1) To increase funding for the highway, highway safety, transit, motor carrier safety, and highway research programs to a total of not less than $318,000,000,000 of budget authority and $301,000,000,000 of guaranteed funding.

(2) To distribute this increased funding to the States through the core highway and transit formula programs for State and local highway and transit infrastructure investments.

(3) To offset this increased infrastructure investment by raising $34,000,000,000 over the next five years by eliminating the current tax incentives for companies to move jobs and operations offshore.

The SPEAKER pro tempore. The gentleman from New York (Mr. HIGGINS) is recognized for 5 minutes.

Mr. HIGGINS. Mr. Speaker, our Chamber is in its final moments of consideration of this landmark bill which proposes $284 billion worth of Federal investments in transportation infrastructure across this Nation.

This measure represents so much to each of our districts. It is the embodiment of roads and transit systems that will be either newly built or rehabilitated to aid safe and efficient travel. It will spark an abundance of economic development and create millions of jobs specifically to carry out this transportation work.

I have been grateful for the opportunity during my first few weeks as a Member of this body to work alongside Chairman YOUNG and Ranking Member OBERSTAR on this legislation which will do so much for western New York. But I believe that before we submit to final passage of the bill, we must first acknowledge the fact that we should and can do more.

The President has signaled that he will support a transportation bill that spends no more than $284 billion in guaranteed funding over 6 years. This number is simply arbitrary and could easily be increased, a fact that was demonstrated by the other body's version of transportation reauthorization last year.

□ 1415

My motion demonstrates one way in which we can match their level of guaranteed funding, $318 billion, for even more transportation, economic and safety initiatives within this measure.

Specifically, this motion proposes to close a number of offshore loopholes that are enabling American companies to move jobs abroad, avoiding paying U.S. taxes in the process. In closing these loopholes, we are raising an additional $34 billion, not from an increase in the gasoline tax, but instead by abolishing unfair tax shelters that are strangling job creation and growth in our country.

Seventy-two members of the other body voted to federally fund our transportation expenditures at $318 billion last year. If we can find a way to match that funding without raising the gasoline tax, without falling deeper into deficit, then I for one believe it is our responsibility to pursue that option.

This motion to recommit would mean $34 billion more in Federal infrastructure investments, as well as the final eradication of a number of unfair tax shelters that are weakening economic development efforts throughout our Nation. The motion would bring 100,000 additional jobs to my own State of New York, and countless more to the rest of the country. I hope that I may count on my colleagues to support this important measure.

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

Mr. YOUNG of Alaska. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Alaska is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to recommit. I want to remind my fellow colleagues that this is a very well-crafted, bipartisan effort and this would disrupt what I would say is a great chariot that is going to go off on to the horizon and become law.

Mr. Speaker, I oppose the motion.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank my chairman for yielding me this brief period of time.

Mr. Speaker, I would say to the gentleman from New York (Mr. HIGGINS), welcome to the House.

Under the motion to recommit, if in fact ''promptly'' is included in the first paragraph, it means that this is not a motion to recommit.

I was just waiting for the gentleman, because he is probably the one that told the gentleman to do this.

On ''promptly,'' it kills the bill. So all of the statements the gentleman made about the jobs that were going to come to western New York and the dollar amounts that the gentleman is putting in the bill have no standing whatsoever, because by including ''promptly'' in the motion to recommit, the gentleman is in fact killing the bill.

In addition, the gentleman said that he wanted to try to match the Senate's amount of $318 billion last year. The reason we did not have a highway bill last year was because the Senate was at $318 billion. In the conference, we urged the Senate to agree at $283.9 billion. The conference failed. This year the Senate is at $283.9 billion; the House is at $283.9 billion. We actually have a chance to get a highway bill.

But probably the most interesting and ironic part of the gentleman's motion to recommit, notwithstanding the fact it has no application, is the fact that the Highway Trust Fund is actually a user's fee; that people who use the highways raise the money to help build the highways. And the gentleman is looking to raise the additional money for the user-fee Highway Trust Fund from those companies who have left the country. So they are not using the highways, but the gentleman wants to have them pay.

So if the gentleman wants to work a motion to recommit that actually can work and that you can actually raise money and you can actually get it from people who use the Highway Trust Fund, I look forward to working with the gentleman. But if this is the effort conceived and delivered on the other side, I would urge my colleagues to vote this down, because if you really want a highway bill this year, the vote on the motion to recommit is ''no.'' If you really do want to kill it once again and give the gentleman from Alaska (Chairman YOUNG) an opportunity to work yet again in another Congress, you will vote yes on this ill-conceived motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 190, noes 235, not voting 10, as follows:

[Roll No. 64]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
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
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
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)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark

Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
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
Harris
Hart
Hastert
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
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baird
DeLay
Evans
Northup
Ramstad
Rogers (AL)
Sabo
Slaughter
Stupak
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1441

Mr. BOREN changed his vote from ''aye'' to ''no.''

Messrs. HASTINGS of Florida, TANNER, WYNN, and MURTHA, and Ms. BEAN changed their vote from ''no'' to ''aye.''

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. YOUNG of Alaska. 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 417, nays 9, not voting 9, as follows:

[Roll No. 65]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
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
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
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)
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
Harris
Hart
Hastert
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 (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
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
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
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
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)

NAYS—9

Boehner
Castle
Flake
Otter
Paul
Sensenbrenner
Shadegg
Thornberry
Young (FL)

NOT VOTING—9

Baird
DeLay
Evans
Jones (NC)
Northup
Ramstad
Rogers (AL)
Slaughter
Stupak

□ 1451

So the bill was passed.

The result of the vote was above recorded.

The motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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. 3.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I take this time to ask the gentleman from California (Mr. DREIER) about the schedule for next week.

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

Mr. LEWIS of Georgia. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, as Members have noticed, we have completed our legislative work for the week, and the House will convene on Monday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes on those measures that are debated on Monday will be taken at 6:30 p.m. on Monday.

On Tuesday and the balance of the week, the House will convene at 10 a.m.; it is important to know that it is 10 a.m. on Tuesday, for legislative business. We expect to consider two bills under a rule, the Emergency Wartime Supplemental and the Budget Resolution for Fiscal Year 2006.

Finally, I would like to remind all Members that next week is a 5-day work week. We will have votes on Monday, and it will be a very, very active week as we head into the recess. We may work some late nights next week. It is quite possible that there will be votes; Members should expect them on Friday as we head into the spring district work period.

Mr. LEWIS of Georgia. Mr. Speaker, I would like for my friend, the gentleman from California (Mr. DREIER), if he could, to be a little more definite about next Friday.

Mr. DREIER. As the gentleman knows, we have these two critically important measures that need to be considered next week, the supplemental appropriations bill, which is a very high priority to ensure that our men and women in uniform in Iraq have the resources necessary to complete their very important job over there. We all know there is strong bipartisan support for our troops. And of course, making sure that we complete the important budget resolution.

In light of the fact that we have those two priorities that need to be addressed next week, I am saying I think it is quite possible that Members could anticipate votes on Friday.

Mr. LEWIS of Georgia. Is the gentleman telling us that the supplemental appropriations will come up next Tuesday?

Mr. DREIER. I would say we anticipate that we will see the supplemental bill considered before we consider the budget resolution. And the Committee on Rules is planning to meet Monday evening for consideration of the supplemental appropriation bill. We cannot say with absolute certainty when exactly it will come up, but it is the first thing scheduled legislatively beyond the measures that we will consider under suspension of the rules. I think it is quite possible it will be on Tuesday.

Mr. LEWIS of Georgia. What kind of rule will we have? Will it be an open rule or a restricted rule?

Mr. DREIER. I am privileged to serve as chairman of the Committee on Rules, but it is impossible for me at this juncture to predict exactly what this 13-member committee that spends hours deliberating over major public policy issues will do at the end of the day on this. I can assure the gentleman it will be a fair and balanced rule. But I will oppose putting it out unless it is a fair and balanced rule that allows for consideration of very important measures.

I know my colleague joins me in wanting to ensure that we get the resources necessary to our men and women in uniform who are having such great success in Iraq. I thank the gentleman for yielding.

Mr. LEWIS of Georgia. I ask my friend from California which day would he expect us to consider the budget and what type of rule would he anticipate for considering the budget?

Mr. DREIER. I am happy to say that, again, that we anticipate that the first major measure of the week that we will consider, following suspensions, will be the supplemental appropriations bill. And the budget itself will likely be considered in the Committee on Rules on Tuesday evening. And again, I cannot predict exactly what shape the rule will take. In fact, when we are completed here, I will be making an announcement for the deadline for consideration of amendments. I will tell the gentleman, as in the past, the Committee on Rules has had a tendency, and I hope to continue that pattern, for actually showing preference for substitute packages that would be offered by Members. And we want to encourage Members who would like to offer budget substitutes to get those to us just as quickly as we possibly can.

Again, it is difficult to say at this moment exactly what that rule will consist of.

Mr. LEWIS of Georgia. If we have consideration of the rule on Tuesday, what day does the gentleman expect the budget to come to the Floor?

Mr. DREIER. Well, again, the supplemental appropriations bill is the first item that we will be working on, and then it will be some time later in the week. Obviously, if we do as I suspect, the Committee on Rules will make in order different substitutes; we will need to have time for that. So it will be later in the week next week. So I cannot tell the gentleman exactly what day it will be, but it will be into the week. And again, quite possibly, it could extend until Friday.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Ms. LEWIS of Georgia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I would ask if my friend from California expects the rule to be on the floor Wednesday of next week?

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I am happy to say to the distinguished ranking minority member of the Committee on the Budget that it is our plan to consider the rule on the budget in the Committee on Rules probably late Tuesday afternoon. So depending on exactly what happens time-wise on consideration of the supplemental appropriations bill, it is quite possible that we could begin work on this on Wednesday, but I am not absolutely certain at this juncture what day it would be.

Mr. SPRATT. Mr. Speaker, will the deadline for filing proposed substitutes or amendments be 5 o'clock on Monday?

Mr. DREIER. Mr. Speaker, I would say that it is our intention in light of the fact that we are discussing this Thursday afternoon that the announcement that I plan to make when we complete this colloquy is that we will ask for the amendments to the budget to be submitted to the Committee on Rules by 10 a.m. on Tuesday which will allow us to meet Tuesday afternoon. So I would encourage, we are now before 3

o'clock on Thursday; I would encourage Members to begin looking at budget substitutes that they may want to offer and fashion those.

I understand it will be tomorrow before they have access to the full text, but I would encourage them tomorrow and over the weekend and on Monday to assemble those substitutes or proposed amendments that they would have, and our deadline is intended to be 10 o'clock on Tuesday morning.

Mr. SPRATT. Mr. Speaker, I thank the gentleman very much.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend from California (Mr. DREIER) for being so helpful in providing us the information.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF CONCURRENT RESOLUTION ON BUDGET FOR FISCAL YEAR 2006

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of March 14 to grant a rule which could limit the amendment process for the concurrent resolution on the budget for fiscal year 2006. Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules to room H–312 of the Capitol no later than 10 a.m. on Tuesday, March 15.

As in past years, the Committee on Rules intends to give priority to amendments offered as complete substitutes.

Members are advised that the text of the concurrent resolution as ordered reported by the Committee on the Budget should be available on the Web sites of both the Committee on the Budget and the Committee on Rules tomorrow, Friday, March 11.

Members should use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ADJOURNMENT TO MONDAY, MARCH 14, 2005

Mr. DREIER. 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 debates.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 15, 2005

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 14, 2005, it adjourn to meet at 9 a.m. on Tuesday, March 15, 2005, for morning hour debates as though after May 16, 2005, thereafter to resume its session at 10 a.m.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. 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 California?

There was no objection.

EXPRESSING SYMPATHY AND CONDOLENCES TO THE FAMILIES OF VICTIMS OF THE MADRID TERRORIST ATTACKS OF MARCH 11, 2004

Mr. MCCOTTER. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 99) expressing the condolences of the House of Representatives to the families of the victims of the terrorist attacks in Madrid that occurred one year ago, on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 99

Whereas on March 11, 2004, 10 coordinated bomb explosions at the Atocha, Santa Eugenia, and El Pozo del Tio Raimundo stations and aboard a commuter train occurred during the morning rush hour in Madrid;

Whereas 191 individuals were killed and more than 1,800 individuals were wounded in these horrific terrorist attacks;

Whereas these terrorist bombing attacks were the deadliest in Europe since the bombing of Pan Am Flight 103 in 1988;

Whereas these attacks constitute the worst acts of terrorism ever experienced in Spanish history;

Whereas Spain's investigation into the Basque Fatherland and Liberty terrorist organization, also known as Euzkadi Ta Askatasuma (ETA), has made progress in the Global War on Terrorism;

Whereas the leaders of Spain have worked vigorously to identify and capture terrorists who attempt to find sanctuary in Spain;

Whereas the atrocious acts of violence committed on March 11, 2004, in Madrid show yet again that terrorism knows no borders;

Whereas the United States and Spain are committed to continuing to strengthen the relationship between the United States and Europe;

Whereas Spain is an advocate for the ideals of freedom and democracy; and

Whereas the people of the United States stand together with the people of Spain to remember those individuals who lost their lives on the one year anniversary of these horrific terrorist attacks: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its condolences to the families of the individuals killed in the terrorist bombing attacks in Madrid that occurred on March 11, 2004, and expresses its deepest sympathy to the individuals injured in such attacks and to the people of the Kingdom of Spain on the one year anniversary of the attacks;

(2) condemns the terrorist attacks that occurred on March 11, 2004, and all acts of terror worldwide; and

(3) expresses its solidarity with Spain and all other countries that have been attacked during the Global War on Terrorism.

Ms. BERKLEY. Mr. Speaker, this Friday marks the one-year anniversary of the tragic train bombing in Madrid, Spain.

The resolution I have introduced with Mr. MCCOTTER expresses the condolences of the House of Representatives to the families of individuals killed in the bombing. It also expresses solidarity with Spain and all other countries that have been attacked during the Global War on Terrorism.

These bombings were the worst acts of terrorism ever experienced in Spanish history—killing 191 individuals and injuring almost 2,000. They also marked the deadliest terrorist attacks in Europe since the 1988 bombing of Pan Am Flight 103.

Much like our own September 11th, the March 11 attacks were senseless acts of violence perpetrated by terrorists against innocent civilians. This was nothing more than an attack against freedom and democracy—perpetrated by cowards bent on turmoil and destruction.

While we have had our differences with the government of Spain over the last year—it is important that Congress reiterate its support with the people of Spain. The war on terrorism is a global conflict that knows no boundaries and does not distinguish between civilian and soldier. We have experienced its destruction first-hand, and we must stand in unity with others who have also felt this tragedy.

The relationship between the United States and Spain remains strong, and Spain remains an important ally in the war on terrorism. The Madrid bombings were a direct attack on this peace-loving government and its democratic principles.

I am deeply saddened by this senseless loss of life, and join my colleagues in expressing our most sincere condolences to the victims, their families and the people and government of the Kingdom of Spain.

The resolution was agreed to.

AMENDMENT TO PREAMBLE OFFERED BY MR. MCCOTTER

Mr. MCCOTTER. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to preamble offered by Mr. MCCOTTER:

Strike the preamble and insert in lieu thereof:

Whereas on March 11, 2004, terrorists affiliated with Al Qaeda coordinated 10 bomb explosions at the Atocha, Santa Eugenia, and

El Pozo del Tio Raimundo stations and aboard a commuter train during the morning rush hour in Madrid;

Whereas 191 individuals were killed and more than 1,800 individuals were wounded in these horrific terrorist attacks;

Whereas these terrorist bombing attacks were the deadliest in Europe since the bombing of Pan Am Flight 103 in 1988;

Whereas these attacks constitute the worst acts of terrorism ever experienced in Spanish history;

Whereas Spain's investigation into the Basque Fatherland and Liberty terrorist organization, also known as Euzkadi Ta Askatasuma (ETA), has made progress in the Global War on Terrorism;

Whereas the leaders of Spain have worked vigorously to identify and capture terrorists who attempt to find sanctuary in Spain;

Whereas the Club de Madrid, an independent organization of democratic former heads of state and government dedicated to strengthening democracy around the world, is convening an international summit on democracy, terrorism, and security under the High Patronage of His Majesty the King of Spain to commemorate the one year anniversary of the terrorist attacks in Madrid;

Whereas the atrocious acts of violence committed on March 11, 2004, in Madrid show yet again that terrorism knows no borders;

Whereas the United States and Spain are committed to continuing to strengthen the relationship between the United States and Europe;

Whereas Spain is an advocate for the ideals of freedom and democracy; and

Whereas the people of the United States stand together with the people of Spain to remember those individuals who lost their lives on the one year anniversary of these horrific terrorist attacks: Now, therefore, be it

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

□ 1500

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DENT). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from California (Ms. MATSUI), the whole number of the House is adjusted to 435.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Mr. LAHOOD, Illinois.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL SATURDAY, MARCH 12, 2005, TO FILE A PRIVILEGED REPORT TO ACCOMPANY A CONCURRENT RESOLUTION ON THE BUDGET

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until 4 p.m. on March 12, 2005, to file a privileged report to accompany a concurrent resolution on the budget.

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

There was no objection.

STOP VIOLENCE AGAINST WOMEN

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

Ms. WOOLSEY. Mr. Speaker, violent acts in this Nation and around the world must end. Since the passage of the Violence Against Women Act, or VAWA, in 1994, the United States has systematically addressed abuse and violence against women, and we have to continue that tradition; but it appears we have just begun.

Around the world, at least one woman in every three has been beaten, coerced into sex or otherwise abused in her lifetime. Most often the abuser is a member of her own family. Women have the right to feel safe in their own homes and on the streets, and law enforcement and health officials must be equipped to deal with the special needs of these tragic situations.

The Violence Against Women Act has been the essential part of strengthening a support system for abused women in our country. Mr. Speaker, that is why I urge my colleagues to support the reauthorization of VAWA in this Congress so we can continue making the lives of all women safer, healthier, and happier.

RESTORE FUNDING FOR EVEN START

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

Mr. CUNNINGHAM. Mr. Speaker, I support the President in almost every area. But in his budget, as in last time, they took out an education program called Even Start. Former Member Bill Goodling pushed Even Start, because in Leave No Child Behind an important factor of that is encouraging and working with parents to work with their children to make sure that they are not left behind.

Unlike a lot of large government programs which are dependent on individual areas and leaders that run it, Even Start, across the board, has been extremely successful. We need to eliminate a lot of duplicative programs in education, but let us not eliminate the good ones; and let us support Even Start in this House.

And I would hope in the House we restore that education program.

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 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.)

ORDER OF BUSINESS

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

INTRODUCTION OF THE GENETIC INFORMATION NONDISCRIMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the Genetic Information Nondiscrimination Act. Before I begin, I want to thank my cosponsor, the gentlewoman from New York (Ms. SLAUGHTER). No one has worked harder on this issue and has fought more to bring it more to the forefront.

Back in 1993, this House passed H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant accomplishments of the pass 100 years. It most certainly is. Thanks to this accomplishment, researchers now know more than ever how the human body works.

Thanks to genetic testing made possible by this discovery, individuals can, for the first time, know their risks for developing one of more than 1,000 genetic disorders.

Why would anyone want this bad news. Well, if you know you or someone in your family is going to get sick, you can plan accordingly. You can incorporate healthy habits to lessen the impact of the condition. For example, a woman who carries a gene known as BCRA, has a much higher risk of developing breast cancer than the rest of the population.

If these women knew ahead of time that they were at greater risk, they would be more likely to eat better, stop smoking, have annual mammograms and take other steps to lower the likelihood of cancer. It also gives individuals and families the chance to mentally and financially prepare themselves for whatever condition they may later develop.

The problem is that individuals are not taking advantage of this opportunity. And why not? Well, they are concerned that their genetic information will be used by health insurers to

deny them coverage and by potential employers to deny them employment.

To put it bluntly, we will never unlock the true promise and benefits of sequencing the human genetic code if Americans are too paranoid to get tested.

Currently, Federal and State laws offer only a patchwork of protection against the misuse of genetic information. In addition, some States have enacted legislation on discrimination in health insurance and/or genetic discrimination in the workplace. Despite the presence of these State laws, only comprehensive Federal legislation can guarantee everyone in the United States protection from genetic discrimination.

That is why I, along with the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Ohio (Mr. NEY), and the gentlewoman from California (Ms. ESHOO), have introduced this legislation. No one should be afraid to take advantage of the latest science to protect their health or that of their families. It is exactly the same bill that our colleagues in the Senate passed without objection, and it is strongly supported by the administration.

The bill provides commonsense protections for both consumers and companies. It contains protections against frivolous lawsuits with unlimited damages, but at the same time ensures that an individual's private, personal genetic information cannot be used against them. For example, employers cannot fire someone because they are more likely to develop a genetic disorder. Nor can they require employees to undergo genetic testing. At the same time, employers cannot be sued simply because of so-called ''water cooler gossip'' about an individual's condition that may or may not be true.

Under this bill, health insurance companies cannot deny coverage or charge a higher premium to a healthy individual based solely on genetic disposition to a disease or a disorder. Health insurance is expensive and hard enough to get for many Americans. Let us not make it more expensive based on factors beyond an individual's control.

As technology rapidly changes, so must Federal law. We must now act to protect our Federal investment in the human genome project. If individuals do not take advantage of the opportunities genetic research provides, we do not fully realize the return on our investment. This bill would allow them to do just that.

I am proud to introduce this legislation. I thank my colleagues who have worked so hard on it already: the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Ohio (Mr. NEY), and the gentlewoman from California (Ms. ESHOO). I urge my colleagues to support this commonsense and much-needed legislation.

CRACKING DOWN ON GANGS THAT TERRORIZE OUR COMMUNITIES

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

Mr. SCHIFF. Mr. Speaker, last month I introduced with the gentlewoman from California (Mrs. BONO) the Gang Prevention and Effective Deterrence Act of 2005, a comprehensive bill to increase gang prosecution and prevention efforts. Our legislation is virtually identical to the Feinstein-Hatch bill that was reported out of the Senate Judiciary Committee in the 108th Congress and has since been reintroduced.

The number of gangs continues to grow in communities across the country with substantial increases in the numbers of cities and counties with gang problems between the mid-1980s and the mid-1990s. Since my days as a Federal prosecutor in California, I have been increasingly concerned with the growing public safety threat posed by organized street gangs, and I have also seen the destructive impact that street gangs continue to have on families, on our youth, and on our communities.

In 2002, it was estimated that youth gangs were active in over 2,300 major cities across America, with a total of over 21,000 gangs and over 730,000 gang members. Gang activity is still, regrettably, on the rise.

The gang problem is no longer a local issue but a national one, requiring a national strategy. Our legislation is designed to facilitate this strategy by bringing together Federal, State, and local law enforcement, providing them with new tools to combat gang violence, making available new funds to keep kids out of gangs to begin with.

Street gangs are increasingly focusing on running full-service criminal enterprises in the neighborhoods where they reside, terrorizing those who live in the community. Some have shown increasing levels of sophistication, exhibiting characteristics common to organized crime, and will likely continue to expand their criminal enterprises in new ways and places throughout the country. This requires new and creative ways of attacking the problem.

In 2002, the city of L.A. announced that it would begin to go after gangs in the same way law enforcement brought down traditional organized crime figures, using the Federal racketeering statute RICO to its full capacity. These racketeering laws, however, were designed to prosecute organized crime with Mafia-style organizations in mind. The Gang Prevention and Effective Deterrence Act would create a similar tool, but tailored specifically to violent street gangs by criminalizing violent crimes in furtherance or in aid of criminal street gangs.

The most lucrative criminal enterprise for street gangs has been the retail distribution of illicit narcotics. Our legislation would attack this problem by making murder and other violent crimes committed in connection with drug trafficking a Federal crime.

Street gangs also engage in a host of other criminal endeavors. Gangs are responsible for a large portion of the violent offenses, and the use of firearms is a major feature of gang violence, with gang members far more likely than other delinquents to carry guns and to use them.

Our legislation increases penalties for criminal use of firearms in crimes of violence and drug trafficking. The bill also allows for the detention of persons charged with firearms offenses who have been previously convicted of crimes of violence or serious drug offenses.

Unfortunately, gangs have strong links to the youth in our country. The FBI reported that 819 juvenile gang killings occurred in 2003, up from 580 in 1999; and law enforcement reports the problem is getting worse.

Our youth are being held hostage by gangs. Gang involvement takes a heavy toll on adolescent development and life-course experiences.

In order to prosecute an entire gang, it is sometimes necessary to prosecute multiple defendants in the same case, including juvenile gang members. Our bill proposes a limited reform of the juvenile justice system to facilitate Federal prosecution of 16- and 17-year-old gang members who commit serious acts of violence.

Our legislation also provides more resources to bolster the fight against gangs and attack the problem at its roots, with $650 million over 5 years to support Federal, State, and local law enforcement efforts, as well as intervention and prevention programs for at-risk youth.

Mr. Speaker, the time to crack down on the gang epidemic in our country is now, and I urge my colleagues to join the gentlewoman from California (Mrs. BONO) and me in this effort by cosponsoring this important legislation.

□ 1515

PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise again today to talk about the issue of prescription drugs and the price that Americans pay relative to the rest of the industrialized world.

Now, I understand that we are a blessed country, and I understand that in many respects we as Americans should shoulder more of the burden than, for example, the people in Sub-Saharan Africa. But I do not think Americans ought to have to subsidize the starving Swiss.

Let me just show this chart, Mr. Speaker. These numbers are very recent in terms of the comparisons of what we pay in the United States for name-brand prescription drugs and what the people in Germany pay for

the same drugs. Let me cite some of these examples:

Nexium. The next purple pill. It is advertised at every level in the United States. A 30-day supply in Rochester, Minnesota, is $145.33. That same drug at the Metropolitan Pharmacy in Frankfurt, Germany, is $60.25. Exactly the same drug.

Look at this list. These are the most commonly prescribed drugs in the United States. Dropping down to Zocor, Zocor is a commonly prescribed drug that reduces cholesterol, particularly for people who have had heart problems. In fact, we have a number of our colleagues here in Congress who take Zocor.

The interesting thing is if you buy that drug at the pharmacy in Rochester, Minnesota, it is $85.39 for a 30-day supply. If you buy that drug in Frankfurt, Germany, it is $23.83.

What makes that even more interesting is that if you are a Federal employee, if you are a Member of Congress, there is now a $30 copay on that drug. So in other words, even a Member of Congress pays $30, when any German consumer can walk into a local pharmacy and buy it for $23.80.

The interesting thing is if you total up these commonly prescribed drugs, in Germany those drugs will cost you $455.57 American. If you buy them here in the United States it is $1,040.04. That is a 128 percent difference.

What makes this even worse, Members, is that the differences between what we pay in the United States and what they pay in Germany has actually gotten worse over the last year, and that is at a time when the value of the dollar has declined by more than 20 percent. The differentials should have gotten less.

I also want to call Members' attention to an article that appeared today in the Chicago Tribune, and it will be on my Web site as soon as my people can get it on the Web site. It tells what the FDA is now doing. They are, apparently, targeting a program started by the Illinois legislature and their Governor, Governor Rod Blagojevich, a former colleague of ours, that allows Illinois seniors and others to buy prescription drugs from preapproved Web sites in Canada. The savings there average over 50 percent.

Apparently, the FDA is now intercepting these packages. They are literally saying that those drugs are illegal simply because they came from Canada. Well, in my view, that is an extension of what the law actually says, and I do not think the FDA has that power. Worse yet, they may have opened a door here now to a class action lawsuit that this administration is going to rue the day that this door was opened.

This is a very high-risk strategy for this administration. First, they are clearly putting the health of many Americans at risk by seizing prescription drugs en route to patients. Second, it underscores the hypocrisy between agencies. The FDA on one hand is demanding absolute safety for prescription drugs from Canada, notwithstanding the fact that there is no evidence of any danger to the public health. Meanwhile, another agency is fighting to reopen the border for Canadian beef when worldwide 150 people, including one American, have died from Mad Cow Disease. Apparently, the U.S. cattlemen do not enjoy the same political clout as the pharmaceutical industry.

Finally, they have opened the door, as I said, to a class action suit. Several top lawyers have told me they are drooling at the prospect of getting a case into Federal Court. By using discovery powers, they could uncover documents and information terribly damaging to the administration and the pharmaceutical industry. It is altogether likely that the courts will stop the FDA from treating law-abiding citizens in the United States like common criminals.

The law is vague, but congressional intent is clear: the FDA is wrong in the law, it is wrong on safety, and the courts and Congress can now make that crystal clear.

Mr. Speaker, I submit for the RECORD the article from the Chicago Tribune to which I earlier referred:

U.S. BLOCKS DRUGS SENT FROM CANADA

(By John Chase and Christi Parsons)

The Bush administration has begun selectively seizing prescription drugs imported under a program created by Gov. Rod Blagojevich, ratcheting up pressure to stop a practice that the governor says will save money for consumers but regulators contend is unsafe and illegal.

The Canadian firm that manages Blagojevich's I-SaveRx initiative says the federal Food and Drug Administration in the first two weeks of February blocked more than one-fourth of the foreign drug shipments it mailed to consumers in Illinois and four other states that participate in the governor's plan.

''I won't say the FDA has targeted I-SaveRx, but that's an unbelievable coincidence,'' said G. Anthony Howard, president and CEO of Ontario based CanaRx Services Inc.

Operators of other Canadian pharmacies that ship drugs to U.S. consumers also said they have noticed an upsurge in seizures in recent weeks.

The FDA has long opposed drug imports yet has done little to stop them. But the reports could signal an aggressive new phase by regulators in their battle to stop Americans from getting their prescriptions from abroad. Officials involved with Blagojevich's program also fear the sporadic seizures may be designed to deter customers for I-SaveRx by creating uncertainty over whether ordered drugs will actually arrive.

In the past, ''the FDA has said, 'If it is for personal use, we'll allow them to go into the country,'" said Howard. ''Now they're seizing their medication and not allowing it to go through.''

The FDA and Blagojevich have been battling since 2003 over his push to end restrictions on drug imports from Canada and Europe, where prescriptions cost less because of price controls.

The Bush administration opposes importation because it says it cannot guarantee the safety of medicine from other nations, but Blagojevich and others argue that much of the medicine is manufactured overseas and the only difference is the price. Pushing the importation issue, they argue, will force drug companies to lower the cost of drugs in the U.S.

William Hubbard, the FDA's associate commissioner of policy and planning, denied the agency was targeting the program. Though he said the agency considers all of I-SaveRx's shipments illegal, the FDA is focused on seizing drugs from overseas that can easily be counterfeited, such as the cholesterol-lowering drug Lipitor.

''The inspectors' instructions are to open and inspect these foreign shipments when they have the time and capacity to do it,'' he said.

FAILED FLU VACCINE PURCHASE

Blagojevich's run-ins with the FDA have extended beyond I-SaveRx.

Last fall, shortly before the November election, he announced that he had purchased millions of dollars in European-made flu vaccine to help ease shortages expected because of the sudden closure of a plant that was to have produced half the U.S. supply.

His maneuver backfired, however, because the FDA dragged its feet on approving the imports. The flu season remained mild and vaccine shortages never got as bad as feared.

Blagojevich launched I-SaveRx in October and sold it as a way for all 12 million Illinois residents to save money on their medicine. Since then, Wisconsin, Kansas, Missouri and Vermont have also joined, potentially opening the door to millions more consumers.

But the drug seizure controversy has highlighted how few people have opted to use the program despite its promise of great savings.

Howard said the total number of shipments seized for customers in the I-SaveRx states in the first two weeks of February was 54, and that represented 26 percent of all shipments sent to customers of the program during that time frame.

Since the October start, consumers in the five states have ordered just 4,700 prescriptions.

Blagojevich spokeswoman Abby Ottenhoff downplayed the number of seizures by the FDA, describing them as ''minuscule'' when viewed in the context of the number of shipments made since the program started.

''This is not extraordinary that this would happen at some level,'' she said. ''The program has overwhelmingly been working smoothly. In a few instances where shipments weren't received, they were re-sent at no cost to the consumer.''

THEY HAD MY MEDICINE

One of those seniors who missed a shipment was Robert Wuerth, a 79-year-old retiree from Arlington Heights.

Wuerth had been expecting a three-month supply of Lipitor to arrive in the mail, but instead he got a letter from the FDA informing him that it had sent the medicine back to Canada.

''I couldn't believe it,'' said Wuerth, who is recovering from three heart procedures. ''I just got this letter telling me they had my medicine.''

Wuerth said he was lucky he still had medicine left when he learned of the seizure and had time to call CanaRx and ask for a new shipment, which he said is $80 less than U.S. prices.

Not only did the FDA let that one through, but when it came it bore two labels. One read that it had been rejected for delivery. On top of that was another that said it had been released for delivery.

Officials with CanaRx fear the FDA might be picking on I-SaveRx to embarrass Blagojevich. But officials with other Canadian pharmacies said they too have noticed a

considerable upsurge in the number of seizures of their imports, mostly at airports in Los Angeles and Chicago.

Randy Stephanchew, vice president of standards for the Canadian International Pharmacy Association, which is unaffiliated with the I-SaveRx program, said more than 50 shipments from his Winnipeg pharmacy in recent weeks have been detained from customers in California because they were considered an ''unapproved, misbranded drug. ''

A former official with Health Canada, the Canadian government's equivalent to the FDA, Stephanchew said the FDA has long held a policy permitting individual American citizens to import drugs from foreign countries.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

PAKISTANI RAPE VICTIM AND SMART SECURITY

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

Ms. WOOLSEY. Mr. Speaker, tonight I want to tell the story of Mukhtar Mai, a Pakistani woman who was gang-raped by four men at the direction of the local village council. She committed no crime whatsoever, not a single violation of any kind; yet she was punished by allowing neighboring men to rape her.

Why did the village council encourage the gang rape of Mukhtar Mai? They say it is because her brother was accused of having sex with an older woman from a more prominent family. So the family's punishment was through Miss Mai. But even worse is that the accusation that Mukhtar's brother had sex with an older woman was not true. The accusation was floated to cover up the fact that her brother was actually sexually assaulted by a group of men.

Everyone in the world should be offended by these horrific acts. Mukhtar is a 33-year-old schoolteacher dedicated to educating her nation's children, and she was viciously attacked as punishment for a crime that her brother was accused of, but never committed. Sadly, Mukhtar is not alone. Extreme violence against women happens every day in countries around the world. Most Pakistani women, I am told, in a situation like this, would choose to quietly accept their unfair fate because of fear from the powerful influence of their tribal leaders.

Mukhtar was not silenced. She bravely spoke out after the rape. Her brave voice attracted the attention of media outlets all around the world. In embarrassment, the Pakistani Government reacted to public pressure by promising to swiftly punish her attackers, and a court soon tried and jailed the six men who were involved in the rape.

Unfortunately, the story gets even worse after that. These men, this week, who are all close neighbors of Mukhtar, were actually released from prison. Citing a lack of evidence, a higher court overturned the original convictions of five of the six men. With the five released, Mukhtar fears her life is in danger. Mr. Speaker, who would not be afraid, especially when the men live so close, especially when one woman went against her village traditions and spoke out and challenged her rapists and her accusers, acting bravely, not cowering and not accepting the shame of such an injustice?

This is an important story for several reasons. First, anyone who cares about the fair treatment of human beings around the world should be concerned that women are being treated this way anywhere. Also, we know there is an important link between the fair treatment of women and global security and development. In fact, the more equitably a country treats its female population, the more stable that country tends to be.

Studies in developing countries have demonstrated that the higher level of girls' enrollment in school, the less crime and violence occur in that country. The question is: Why does the United States provide millions of dollars every year to a country like Pakistan that allows this type of brutality to occur?

Last year alone, the United States provided $300 million in foreign military financing for Pakistan, a country, according to the Council on Foreign Relations, that has provided covert support for terrorist organizations that are active in Pakistan's mountainous regions, making it almost impossible to track the activities of groups like al Qaeda.

We need to pursue a smarter national security policy if we want to get serious about ending terrorism and encouraging democracy. We need what I call SMART Security, which is a Sensible Multilateral American Response to Terrorism for the 21st century.

Instead of providing millions of dollars in military support for countries that endorse and encourage terrorism, SMART security would spend the same dollars on educational opportunities in countries like Pakistan, especially for women and girls, in order to help encourage gender equality and economic stability. The return on our dollar will be far greater when spent on books and schools instead of guns and bombs.

Let us adopt the SMART security policy when it comes to dealing with countries like Pakistan, because SMART security will make America safer in the long run, and it will help millions of brave women like Mukhtar Mai.

FREDERICKSBURG, TEXAS, HIGH SCHOOL AEROSPACE PROGRAM

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

Mr. CONAWAY. Mr. Speaker, the newsprint, the television media, and I notice even in this House, as in a couple of speakers ago, we are constantly bombarded with stories of the youth in our communities, in our cities, in our towns that are doing bad things, young men and women who are making some bad choices, and some of them very grievous and extremely bad choices. They get an awful lot of the air time on television and in newsprint.

I am standing before you today, Mr. Speaker, to point out a group of young men and women in Fredericksburg, Texas, who are, I think, at the absolute other end of the spectrum from those who we typically see in our newspapers.

I want to talk briefly this afternoon about the Fredericksburg High School Aerospace Program. This is a voluntary program, an elective program that students in Fredericksburg High School can participate in. Their mission each year is pretty straightforward. The first day of class the teacher writes the problem on the board, and then they have to solve it. They will spend the entire year solving that problem.

The problem that Mr. Williams, the founding father of this program, gives his class, their mission, is to put a 35-pound scientific experiment 100,000 feet into the air. And that is it. This group of young men and women then begin to break up into teams, teams that will help do the design. There will be young men and women who may be good at physics and other math skills; there will be teams that are good at marketing and they will be out trying to scrounge and acquire the necessary information and materials to solve the problem each step of the way.

There is no text book. These young men and women are solving this particular problem from scratch. Mr. Williams is there to keep them between the white lines, but he is also there to let them make mistakes. As they go down paths that do not solve the problem, they learn from those mistakes and then go back to the drawing board, so to speak, to accomplish their mission.

SAT scores at Fredericksburg High School have risen 200 points as a result, in their minds, as a result of this cross-disciplinary process that goes on within this particular classroom. Also,

these young men and women, 80 percent of them go on to engineering degrees in colleges.

I am not sure of the exact statistics, but China is producing a staggering number of engineers greater than we are in this country, and that ought to give us all pause for concern. If America wants to remain competitive in whatever arena, look at the advantages all these engineers being trained in China will give them over us, as we produce fewer engineers, should give each of us pause on a variety of levels.

These young men and women go on to school to further their careers. They work in teams. They learn to use skills and techniques and processes that serve them well in the real world by working in groups, small groups and large groups, to accomplish this program. They design this vehicle from nose cone to nozzle, including the propulsion systems.

Now, once they have the design done, they then build the rocket. They build the 35-pound test module that they are going to send 100,000 feet into the air. They build it from scratch. They do all the electrical work; they do all of the construction work that they can. They then begin to look for contributions from companies that might be in this business or in allied businesses, looking for the nozzle parts, looking for the parts of the nose cone, the fuel systems, and those kinds of things, because they do not have money that goes with this. This is all part of the program of living in the real world, looking at problems and trying to figure out how to solve them.

Some of the accomplishments of the Fredericksburg High School and this team is the first high school to break the sound barrier with their rocket.

□ 1530

They are also the high school that has launched the largest, fastest vehicle to the highest altitude at a Federal missile range, White Sands Missile Range outside Alamogordo. That is a top accomplishment for a group of high school students.

This program, in its seventh or eighth year, is being developed in a manner that will allow it to be replicated in other high schools across the Nation, providing an opportunity to incent and interest our young men and women in positive programs doing things and doing those things well.

Mr. Speaker, I rise today to point this out to my colleagues here in the House. I hope that the good citizens throughout the 11th Congressional District of Texas and throughout the United States will recognize these accomplishments, will look for their own communities to say: We have some kids that are as bright and as smart as the kids in Fredericksburg, Texas; I wonder why we cannot beat their record, why we cannot put a 35-pound payload 100,000 feet into the air and recover it intact. It is a great accomplishment that is going on in Fredericksburg, Texas. This is a great opportunity to recognize the wonderful things being done by these students, in contrast to all the bad things that we hear in the press.

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.)

ORDER OF BUSINESS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

LEBANON AND SYRIA LIBERATION ACT

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

Mr. ENGEL. Mr. Speaker, for too long Syria has heard yes from the world. It has sponsored terrorism, and the world answered: Yes. It has built up an arsenal of weapons of mass destruction, and the world answered: Yes. And it has stolen from Lebanon its sovereignty and political independence, and, once again, the world answered: Yes.

This week, we are here to tell Syria: No. For over a generation, the world stood silently as the occupation set deep roots in Lebanon, while hundreds of people were murdered by Syrian-supported terrorists like Hezbollah all over the world, and a dangerous stockpile of chemical weapons was developed. Anger grew as guerillas entered Iraq from Syria to kill innocent Iraqis and American soldiers, but it was left to the United States Congress to grab the bull by the horns and devise a policy to free Lebanon and confront Syria.

The Syria Accountability Act and Lebanese Sovereignty Restoration Act, which I wrote, was signed into law in December 2003 and told Syria that things had changed. Until Syria got out of Lebanon, halted its support for terror, ended weapons of mass destruction programs and stanched the flow of extremists into Iraq, it would face sanctions.

Last fall, the United Nations followed our lead. They demanded in U.N. Security Council Resolution 1559 that Syria completely leave Lebanon, and Hezbollah be dismantled. But still, Syria remains in Lebanon, and the terror machine operates from the Damascus sanctuary.

It is remarkable, but it has taken the murder of a former prime minister of Lebanon and mass protests by Lebanese aspiring for democracy for the world to take on the Syria challenge. The Cedar Revolution which has been launched by Lebanese people calling for Syria to leave Lebanon is something that really make us proud.

So this week, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and I introduced a new bill. This is the natural follow-up to the Syria Accountability and Lebanese Sovereignty Restoration Act. The legislation is called LA SYRIA LA, which means in Arabic, No Syria No. It says that until Damascus gets completely out of Lebanon, stops supporting terrorist groups and ends it weapons of mass destruction programs, the Lebanese and Syria Liberation Act, LA SYRIA LA, codifies existing sanctions against Syria and imposes American sanctions on countries and companies which provide destabilizing weapons to Syria. In other words, third countries will have sanctions against them if they provide destabilizing weapons to Syria. It calls for a State Department report to Congress on Syrian activities, provides for American assistance to pro-democracy and human rights groups in Syria and Lebanon and instructs our government to oppose Syrian bids for U.N. leadership positions and international loans to Syria.

So, today, we stand with the Lebanese people who wish to take back their people by saying no to the Syrian occupiers. We stand with the world and the President of the United States, who is saying no to the Syrian occupation, and we align ourselves with the forces of Lebanese democracy which will deliver the ultimate no to Syria through power of the ballot box, not the barrel of the gun.

Now I must say, today, the newspapers reported that in a sharp policy reversal, the Bush administration is now ready to see Hezbollah in a role in Lebanon at the urging of France. I am sorry to hear, that, if it is true, is ill-advised, and I urged the administration to never acquiesce to terrorist organizations like Hezbollah. Hezbollah is in the same category as al Qaeda, and the President has said time and time again that there are no good terrorists, only bad terrorists, and we cannot compromise with terrorism. I hope this is not the fact. We should not deal with Hezbollah. Hezbollah killed 243 Marines, U.S. Marines, 20 some odd years ago in Beirut and has killed countless number of Israeli citizens by being allowed to conduct a proxy off of Syria against Israel in South Lebanon.

Resolution 1559 of the U.N. Security Council which we sponsored says that Hezbollah and all terrorist organizations in Lebanon must be dismantled and that the Syrians must get out of Lebanon. I urge the administration to stick to its guns on that and never recognize Hezbollah as anything more than a terrorist group.

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

ORDER OF BUSINESS

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

HONORING THE FAMILY OF EVA BOWMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Eva Bowman and her late husband, Ralph, for their commitment to education and, specifically, for their commitment to the Wray School District located on the eastern plains of Colorado.

The Bowmans' dedication to and involvement in the school districts of East Yuma County spans five generations. As a young girl, Eva rode her horse to school southeast of Wray. That schoolhouse was made of sod. It was heated using wood and cow chips. She graduated from Laird High School. Her father, Fred Peterson, was also active in education and served as a member of the Starnes County School Board at the turn of the last century. Ralph attended the nearby East Beecher Island County School, but had to quit after the eighth grade in order to work on the farm.

Because he was not able to finish his education, Ralph felt it was very important for his children and his grandchildren to receive a good education. All three of the Bowman children graduated from Wray High School. The ten Bowman grandchildren and 21 great grandchildren all attend or have graduated from the schools within East Yuma County. By the time the Bowmans' youngest great granddaughter completes her schooling, their family will be celebrating well over 100 years of education within these wonderful educational institutions.

As an additional testament to their devotion, Eva recently donated $200,000 to the Wray School District wind turbine project on behalf of her late husband, Ralph, and her children, Jean Brophy, Geraldine Baird, and Jack Bowman. Upon completion, the wind turbine project will make Wray the first school district in Colorado to own a renewable energy source.

Recently, when her loving grandson Michael was talking to his grandmother, they commented on the technological changes Eva has experienced during her life. Michael praised his grandmother for her excitement about life, and she said, ''I am not afraid to die; I just wish I could keep on living so I can see what happens next.'' That epitomizes the kind of woman Eva Bowman is.

Mr. Speaker, it is people of optimism, perseverance, and commitment to education, like Eva and Ralph, that make America the strong, innovative country that it is today. We owe the Bowmans a heart of gratitude for setting such a positive example for all of us to follow.

THE FAILURE OF CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, this is the face of CAFTA. This photo was taken by Reuters News Service yesterday in Guatemala as police forces used tear gas and water cannons to beat back hundreds of demonstrators who had united to speak out against the Central American Free Trade Agreement, CAFTA. This is the face of CAFTA.

More than 25,000 letters have been signed by workers in Guatemala begging their Congress not to rush through this bad trade agreement. Throughout the developing world, from Guatemala to every other developing country, workers do not share in the wealth they create. Nike workers in Vietnam cannot afford the shoes they make. Disney workers in Costa Rica cannot buy the toys for their children. Motorola workers in Malaysia are unable to purchase the cell phones.

The North American Free Trade Agreement promised to create a thriving middle class in Mexico, to raise wages and lift people out of poverty. A dozen years later, there is no middle class realizing their dreams. Instead, there is a fallen minimum wage and the ongoing nightmare of abject poverty despite the backbreaking work and deplorable working conditions.

Now President Bush wants to expand this failed trade agreement with CAFTA, the Central America Free Trade Agreement, a dysfunctional cousin of NAFTA, involving five Central American countries: Costa Rica, Nicaragua, El Salvador, Honduras and Guatemala. CAFTA nations are not only among the world's poorest countries; they are also among its smallest economies. With a $62 billion combined economic output, about that of Columbus, Ohio, these countries can hardly serve as a growth engine for the $10 trillion U.S. economy. CAFTA is more about access to cheap labor and exporting American jobs than exporting American goods.

Trade pacts like NAFTA and CAFTA enable companies to exploit cheap labor in other countries, then import their products back to the U.S. under favorable terms. As a result, our country, especially my State of Ohio, bleed manufacturing jobs and run unprecedented trade deficits.

Gregory Mankiw, the President's former chief economist, portrays the exporting of jobs as inevitable and desirable, saying, ''When a good or service is produced more cheaply abroad, it makes more sense to import it than to provide it domestically.''

Mr. Speaker, I would say to Mr. Mankiw that what really makes sense is a trade policy that lifts workers up in rich and poor countries alike while respecting human rights and democratic principles.

Proof that CAFTA is a legacy of failed trade policies is evidenced in Congress' own inaction. Since 2001, Congress typically votes within 8 weeks, about 60 days, of President Bush signing a trade agreement. Nearly 300 days have elapsed since President Bush signed the Central American Free Trade Agreement. That delay is proof that CAFTA is a failure and further proof of CAFTA's failure can be seen in this photo when police have turned on their own protesting public, people who are exercising their rights simply to petition their Congress and ask that they not pass this trade agreement.

And yet, the U.S. continues to push for more of the same, more trade agreements that ship jobs overseas, more trade agreements that neglect essential environmental standards, more trade agreements that keep foreign workers in poverty.

Madness, Mr. Speaker, is repeating the same action over and over and expecting a different result. The United States, with its unrivaled purchasing power and our enormous economic clout, we are in a unique position to help empower poor workers in the developing world while promoting prosperity at home. When the world's poorest people can buy American products rather than just make them, then we will know that our trade policies are finally working.

□ 1545

RU–486: BABY POISON THAT ALSO KILLS WOMEN

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, RU–486 is baby poison, and now we know it is also fatal to women. RU–486 is a powerful pesticide that was developed to kill human beings, not cure them. It targets unborn children for elimination as if they were cancers or viruses and hurts the women who take it. The fact that pro-abortion groups led the charge to water down the FDA's safety measures on RU–486 and now have been silent in the death of Holly Patterson is an indictment against them. They care more about abortion than they do women. These groups have actually chosen to subjugate women's lives and health to the insatiable desire for legal abortion at any time and for any reason. They have chosen abortion over women, but our current FDA should not continue

to side with these extreme organizations such as Planned Parenthood. The FDA should be concerned more about health than they are with the bottom line of what the abortion industry is making.

That is why I so strongly support Holly's Law, a bill authored by the Senator from South Carolina (Mr. DEMINT) and the gentleman from Maryland (Mr. BARTLETT). I was very glad to join the gentleman from Maryland today at a press conference promoting this important legislation. As a father, my heart goes out to the Pattersons in their grief over the loss of their daughter. RU–486 killed Holly Patterson, and the approval of this terrible drug during the Clinton administration was done in the name of political expediency instead of patient health.

Let me just say briefly, Mr. Speaker, that the FDA violated Federal law and their own standards in approving RU–486. They approved it without the submission of data from adequate and well-controlled clinical trials. They created a final approval regimen for the use of RU–486 that does not reflect safeguards employed in the clinical trials on which FDA relied. They approved RU–486 using the expedited subpart H process which is only supposed to be used to approve drugs to treat serious or life-threatening illnesses. Unless you construe the killing of an unborn child, boy or girl, to be a disease or an illness, subpart H should have never been used.

In violation of their own pediatric rule, they never tested the drug on adolescents, even though it is being used by adolescents. They have failed to impose and enforce restrictions on the use of RU–486 commensurate with the risk that it poses to women, and women are dying. They failed to require the Population Council to honor in full its post-approval safety study commitments, and let us not forget that this drug is being manufactured in the People's Republic of China.

It is important to keep in mind that with RU–486, we are talking about calibrating a poison designed to kill one person without causing harm or without killing another. The purpose of RU–486 is to chemically poison, this is the purpose of it, another human being. That it is dangerous physically and mentally and should never be sold to young people as a solution to their problems ought to be self-evident. Abortion, Mr. Speaker, is violence against children. We can do better for women. It is not in their interest that their children be killed with these powerful poisons.

I would just say finally, Mr. Speaker, that the longer this poison is on the market, administered to young people by groups like Planned Parenthood, the more unborn boys and girls and women who take it will be at risk of death and injury.

Let us not forget, as well, that Planned Parenthood is an organization that annually performs about 240,000 abortions. They make an enormous amount of money from the abortions that they provide, either surgically or chemically; and this is now another tool in their arsenal against unborn children. They ought to be known as Child Abuse, Incorporated for the large number of children that they have killed and continue to kill with U.S. subsidies both at the Federal and the State level.

Mr. Speaker, again we call on the FDA. It is time to take this drug, this chemical poisoning of unborn children that is so dangerous to women, off the market.

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

(Mr. CUELLAR 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 Ohio (Mr. NEY) is recognized for 5 minutes.

(Mr. NEY 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 Florida (Mr. WELDON) is recognized for 5 minutes.

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

NATIONAL ANTHEM PROJECT

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

Mr. POE. Mr. Speaker, this morning on the west lawn of this fine building, the Capitol of the United States, I participated in the National Anthem Project. Sponsored by the National Association For Music Education and supported by its honorary Chair, First Lady Laura Bush, as well as Jeep, Chrysler, Save America's Treasures, the Girl Scouts of America, the NBA, the U.S. Conference of Mayors, the National Education Association, the American Legion and many, many more, this 3-year project will get America singing our national anthem again, the ''Star-Spangled Banner,'' proudly and strongly singing it again and will help people understand the important role that music classes play in teaching our culture.

During the most forgotten American war, the War of 1812, some say the second American revolution, between the United States and England, the British invaded the United States and they torched this city, Washington, consuming numerous public buildings, including the White House and this Capitol, leaving it, as they said, in a most magnificent ruin.

Next on their list was the city of Baltimore, not far from here. They attempted to attack Baltimore by sea. American forces under the command of Colonel George Armistead defended Baltimore in the harbor with Fort McHenry standing in the way of the British and Baltimore, and they thwarted this destruction by the British.

A young lawyer on a British ship trying to seek the release of a friend watched this 25-hour British naval bombardment of Fort McHenry throughout the night, and the next morning he saw the largest United States flag he had ever seen flying at dawn and inspired this young lawyer by the name of Francis Scott Key to write the words that later became our national anthem. He watched the flag fly as the British ships left the harbor in defeat.

Yet, Mr. Speaker, the lyrics to the ''Star-Spangled Banner'' that we have officially called our national anthem for 75 years are foreign to many of our citizens. According to a Harris poll, fewer than 30 percent of American children can sing this patriotic song. This is somewhat tragic. We must revive America's heritage starting by equipping our Nation's music teachers with the resources they need to preserve our tradition in freedom, freedom in song.

Unfortunately, when budget cuts are made in the area of education, music classes in schools across the country are the first to be asphyxiated. But considering that so much of our history is chronicled through songs, songs like the ''Star-Spangled Banner,'' and that three out of four Americans cite music class in their public school as the primary place they learn about American history, how can we let this trend continue? Are we going to deprive future generations of Americans the vibrant spirit of our land?

Cicero, the Roman orator, author, and politician, once said: ''Not to know what has been transacted in former times is always to remain a child. If no use is made of the labors of the past, the world must remain always in the infancy of knowledge.'' And even though he warned us about the tragedy of this apathy of history, we have deserted our commitment to the far-reaching study of civics, civics education and American history in these United States. We must ask ourselves how many of our students can identify such names as John Paul Jones, Susan B. Anthony, Paul Revere, and Nathan Hale.

To answer this question, we have to examine where a number of the curricula in our Nation's classrooms begin the American tale. Now, in many American classrooms they do not start American history with the American Revolution. They start it with World War II to the present. They just do not have enough time, according to educators. So how can we blame our young

children who become our young leaders if they do not know our history?

Moreover, according to the Fordham Institute, which seeks to focus on effective education reforms, few history teachers ever learn much history themselves. More than half of high school history teachers did not major or even minor in history in college. As a result, teachers charged with imparting information to young Americans about the history of their country and the history of the world rely on the textbooks available to them, often textbooks that the teachers themselves had little to do with selecting or reading. At some places in the United States we still use coaches to teach history.

Mr. Speaker, this state of affairs is why I am proud to support campaigns like the National Anthem Project and encourage my fellow Americans to help us regain our appreciation for this legacy. Luckily, I come from Texas where the knowledge of our State's history is not neglected, but hallowed. In fact, State standards mandate the study of Texas history first in the fourth grade and then more comprehensively in the seventh grade. Lone Star students among other topics learn about the Texas Revolution, the establishment of the Republic of Texas, and subsequent annexation to the United States.

As my colleague Senator ROBERT BYRD has said, ''An American student regardless of his race, religion or gender must know the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this Nation, the battles they fought, the ideals that they championed, and the influences they have made throughout the world. They should be taught about our Nation's failures, our mistakes, our inequities. Without this knowledge, they cannot appreciate the hard-won freedoms that are our birthright.''

So, Mr. Speaker, to reclaim and be the home of the brave and the land of the free, as our ''Star-Spangled Banner'' recites, we must learn our history, know our history, teach our history to our kids and be proud of our history; and we must get America singing about the United States of America.

TRANSPORTATION REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the last 2 days were a whirlwind, but I am not going to criticize the speed in which we moved at this time, 2005, to move TEA–21. Why? Because we have been trying for almost a session to pass a transportation reauthorization bill that really provides jobs and mobility to America. So I rise today to applaud both Chairman YOUNG and Ranking Member OBERSTAR for the very complicated and complex legislation that was passed trying to embrace all of America: rural, urban, suburban, all of the hamlets and counties and large cities and small cities, all of the true aspects of mobility in this Nation.

I heard this morning on one of our networks, our cable networks, that in order to address the question of an energy shortage besides the fact that I come from Texas and we are known, my particular district, for being the energy capital of the world, but I think good common sense, no matter where you come from, would suggest that mobility is an important part of energy conservation, and mobility dealing with trains and transit systems, buses that are more conservation, if you will, sensitive, electrical cars, hybrids, all of those are on the table and I am glad to say that as we look toward the energy bill, we will be looking at those issues; but the transportation bill addresses them as well.

Let me cite, Mr. Speaker, a few of the concerns that I have and also a few of the accolades. Let me first of all say that I believe that we are a United States of America, small States and large States. I happen to come from a donor State. That means that we send more money to the Federal Government than we get back. It is not a question of selfishness. It is a question of spreading the wealth across the United States per person. I am glad to note that this good sense of the United States House came together to increase the donor State return so that Texas gets more money on its return as it is investing in the United States Government while not hurting the smaller States. That is the donor State equity, and I would say that we as members of the Texas delegation and other large States were willing to work with the leadership to make this happen.

Might I also say that I am disappointed in all of the amendments that came about on the toll roads. These are roads that you pay to go on. I know if I look at most of my constituents, they wish we did not have toll roads. But I certainly think it is unfair if a local jurisdiction decides to provide some sort of relief for low-income workers, many of whom are driving the 1990, 1980 vintage cars, maybe some of you have those cars, and are day laborers or hourly workers and really cannot afford to get to work. They have no mass transit which we are trying to promote. They cannot get to work. That was passed and I hope it is taken out in conference where local jurisdictions can give relief, meaning a lower rate, to those low-income workers who are driving cars who are trying to get to work. Would you not rather have them working than to be on the public benefit, if you will, because they cannot get to work?

That brings me as well, Mr. Speaker, to a provision in my constituency that is called the Safe Clear program. It means that you are automatically moved off a freeway in my jurisdiction in Houston without any option to call any relatives or to move in another direction. It is an automatic tow. We had an enormous crisis and many of these tolls are on interstate highways. I hope that we will have the monitoring of this program, though it has been fixed by city council and they have tried to work with the State, they were concerned, but the United States Government Department of Transportation should be monitoring what we call the Safe Clear program in Houston, Texas, in order to avoid what we call impeding of interstate commerce.

Let me also cite a very important issue in my district and that is Metro. That is our mass transit that has been struggling for 20 years to get on the books.

□ 1600

We finally got over 50 percent.

Many of you in your communities may be facing this. You want mass transit, and two people do not, and those two people have been holding it up. That is what has been happening in Houston, Texas. I would beg of the Department of Transportation not to be engaged in politics, that is what you are engaged in, and expedite the approval process so that people who want to get on mass transit in jurisdictions like Houston, Texas, and maybe other parts of the Nation, can get an expedited approval so they can move forward with the dollars and get people out of their cars and into effective mass transit.

Our metro system now, with only 7.5 miles, has some 30,000 riders per day. It connects the Medical Center and students to downtown Houston. It is imperative that we work on that.

Again, I want to applaud those who brought a resolution to the donor problem, and I want to likewise be mindful of the fact that as we move towards this bill, let us take out the poison pills, those provisions such as not allowing some individual relief, let us take out the poison pill of not allowing local toll jurisdictions to use their profitable dollars to invest in other mobility projects.

This is a good bill, but we need oversight, and we certainly need to move those transit projects forward that are sitting and waiting on the FTA's desk.

ENSURING TRANSPORTATION EARMARKS STAY BELOW THE LINE

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

Mr. FLAKE. Mr. Speaker, I rise today to talk about the transportation bill. I offered an amendment earlier today, and time constraints prohibited me from really explaining the amendment, what I was seeking to do and the problem with the bill as it currently is or may become once it gets through conference.

During debate on the bill, the chairman of the committee said that every

earmark in the bill was related and being spent on transportation. He actually stated that every dollar in the bill was for transportation.

I am holding here some 200 pages of earmarks, over 3,300, about 30 per page here. Let me just give you an example of some of them, and you can decide for yourself whether or not they are related to transportation.

You the taxpayer are spending $3 million in the bill to renovate and expand the National Packard Museum and adjacent Packard facilities in Warren, Ohio.

You the taxpayer are spending $7,268,486 for the Vermont Association of Snow Travelers to build a snowmobile trail in Vermont.

You the taxpayer are spending $750,000 to construct horse riding trails in the Jefferson National Forest.

This is in the transportation bill, mind you, all dollars that are supposed to be spent exclusively on transportation.

You the taxpayer are spending $540,000 to establish a transportation museum on Navy Pier.

How about $3.2 million to acquire site, design and construction of an interpretive center, whatever that is, and enhancement of trail corridor for the Daniel Boone Trail Wilderness Corridor?

How about $1.7 million for reconstruction and conversion of Union Station to establish a transportation museum?

On and on and on it goes. Here is the last one, not the last, but another one: $1 million you are spending to fund reconstruction of the home of James Madison in Orange, Virginia. Now, one might argue that, when a visitor is visiting the home of James Madison, he is not on the road, and therefore, he is freeing up available space for the other motorists. Perhaps that relates to transportation. I am stretching here, but they must be stretching for spending our taxpayer dollars that way. But certainly, I think the taxpayer is owed a better explanation than that.

The problem with the transportation bill, to add insult to injury, is that, too often, these earmarks in other States come out of your State's formula. Arizona is a donor State; we give far more than we get back from the Federal Government, and too frequently, these earmarks traditionally have been taken out of our formula. An earmark for $7 million for a snowmobile trail in Vermont comes out of Arizona's formula, because Arizona is a donor State. It is simply not right.

In this bill, the amendment I offered, I withdrew it, because my amendment was largely included in the manager's amendment, meaning that earmarks will now be under the line, meaning they will be counted against a State's formula. So, theoretically, an earmark in Vermont will not come out of Arizona's formula.

I worry about that, however. I worry if that will hold in the end when this bill gets through conference, because if we have that kind of criteria for earmarks in the bill itself, then the criteria which identifies programs of regional and national significance, programs and earmarks that are above the line that will not come out of a State's formula, if they are as loosey goosey as these criteria by which we claim these earmarks are related to transportation, the regular high priority earmarks, then we are going to see our formula dollars taken once again and spent on earmarks where they should not be.

Obviously, Mr. Speaker, what we need is a turn-back bill. It is estimated that it would cost about 3 cents, rather than the 18.4 cents we are currently spending per gallon to maintain the interstate highway system. Instead, we are sending all 18.4 cents to Washington. Some of it makes it back. What does come back, comes back with mandates and stipulations that decrease the value of those dollars that we actually do receive back. It is no wonder that the roads and the infrastructure in this country are suffering so badly.

We need that turn-back bill. I have introduced it; it is awaiting action. In the meantime, certainly, we need to instruct and plead with the conferees on this bill to ensure that earmarks stay below the line, meaning, you can take all the earmarks you want, but they come out of your State's formula, not everyone else's. I urge the conferees to do this.

THE PIRATES OF EMINENT DOMAIN

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

Mr. DUNCAN. Mr. Speaker, a couple of weeks ago, the U.S. Supreme Court heard oral arguments in the case of Kelo v. City of New London, a Connecticut eminent domain case which I think is one of the most important cases it will hear certainly during this term of court and for the future of this Nation.

Nationally syndicated columnist Jeff Jacoby wrote a column about this on February 28, and he quoted Scott Bullock of the Institute for Justice. Listen to what Scott Bullock said, ''Every home, church or corner store would produce more jobs and tax revenue if it were a Costco or a shopping mall. If State and local governments can force a property owner to surrender his land so it can be given to a new owner who will put it to a more lucrative use, no home or shop in America will ever be safe again.''

Jeff Jacoby asks, ''But can government kick people out of their homes or businesses simply to make way for new development?''

No one gets concerned about the taking of property unless it is their property being taken. But this is getting to a very dangerous point in this country today. The whole history of eminent domain has been in large part taking land from the poor for the use and benefit of the rich and our government bureaucrats.

Government at all levels in this country now owns or controls half the land and continuously wants more. You can never satisfy government's appetite for money or land. On top of this, government at all levels is continually putting more and more restrictions on the land that remains in private ownership. If this trend continues, Mr. Speaker, housing prices will continue to skyrocket. New homes will be built on much smaller pieces of land, and more young families will be crowded into high-rise apartments or townhouses. A very important part of the American dream, home ownership, will slowly fade away for many young people.

Huge parts of East Tennessee, my home area, have been taken over the years from poor or lower-income families who would be rich today if they still had their land.

Columnist Thomas Sowell recently wrote about what he called the ''misuse of the power of eminent domain'' and how government was taking property from working class people. Columnist Sowell said this, ''Those who are constantly denouncing greed almost never apply that term to what the government does, no matter how unconscionable it may be, as the routine misuse of eminent domain has become with its Robin-Hood-in-reverse redistribution of wealth.''

Many people do not realize how important private property is to our freedom and our prosperity. As I said a few minutes ago, the Federal Government now owns or controls over 30 percent of the land and State, and local governments and quasi-governmental entities now own another 20 percent. Half the land is in some type of public ownership, and government at all levels keeps taking more and more and putting more and more restrictions on the land that is still private.

Richard W. Rahn, a senior fellow at the Discovery Institute, wrote recently, ''Government-owned land is removed from the tax base, so it not only costs everyone to maintain it, but the government also loses tax revenue. When land is removed from private use by government ownership or unreasonable use restrictions, it reduces the supply of land, thus driving up housing prices.''

Because of government taking or restricting use of land, more and more people are being forced on to smaller and smaller areas or developments. You can never satisfy government's appetite for land or money, and we desperately need to elect more people at all levels who will pledge to stop taking private property.

As I have said, it is just impossible to satisfy government's appetite for land, and over the last 40 years or so, governments at all levels have been taking

private property at a very alarming rate.

Private property is an extremely important element for both our freedom and our prosperity. It used to be that eminent domain was used mainly to take private property for public use. Now, according to a column in the nonpartisan National Journal, condemning private property for private use is a booming national business. The magazine gave several examples, including the taking of Randy Bailey's 27-year-old brake shop in Mesa, Arizona, for a new chain store.

This is happening in thousands of places all over the Nation. Jonathan Rauch wrote in the National Journal, ''In the last decade, it has become common for city leaders to define blighted as not developed as nicely as we would prefer or not developed by the people we would prefer. But property is held sacrosanct in America not to protect the rich and powerful, who always make out all right, but to protect the poor from the predations of the rich and powerful.''

He quoted in his column an official of the Institute for Justice, a law firm trying to protect private property owners, as saying ''this is now a major nationwide problem.''

Once again, I will say, I hope we elect more people to Federal, State and local offices who will stop taking so much private property. It sounds good for a politician to create a park, but then when that land is taken off the tax rolls, the taxes for everybody else have to keep going up. We are doing this at a very, very alarming rate, and we need to at least cut back on this.

We cannot take care of all the national parks and State parks and local parks that we have in this country today, and we need to stop taking more, or we are going to ruin our economy, and we are going to take away an important part of the freedom that we have in this Nation.

SUPREME COURT NOT FOLLOWING PRECEDENT

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

Mr. GOHMERT. Mr. Speaker, there have been times in this Nation's history when the United States Supreme Court was composed of distinguished jurists who were extremely cautious to avoid inserting the justices' will or desires in place of legitimate decisions and legitimate legislation. That, sadly, is no longer the case.

One of the cornerstones of an effective judicial system is fair and impartial judges and juries. At the top of that system, we have come to the point in our history when a majority of the court has come to think of themselves as error free. However, even considering oneself faultless is an inexcusable fault for a court, any court, but most especially the U.S. Supreme Court.

One does not have to be a judge or a chief justice, as I was, to know that a fundamental principle of the United States common law has been that prior court decisions have priority and control the same situation. It is called following precedent. A huge problem for all of us is that this Supreme Court cannot follow precedent.

For example, this very court ruled only 15 years ago that the sentencing guidelines were constitutional and must be followed. Now they have completely disregarded their very own precedent, even though it was their own.

Additionally, these judges, who consider themselves jurists, act in some ways like the worst form of renegades. They have disregarded the Constitution and its precedents and instead follow the fleeting whims of a daydreaming child. They cite changing opinions and evolving opinions; not about law that they have researched, oh, no; about various feelings of the general public in America that they have somehow vicariously perceived.

But even that is not all. No. Certain judges of this highest human court in the land have been reciting opinion polls, not based on legally or factually based or scientifically recognized computer protocols or data or scientifically derived information. No, these are based on their feelings of what is going on.

□ 1615

Here the U.S. Supreme Court sets itself up as the final arbiter of what is or is not accurate polling. The trouble with this is, no court, especially an appellate court, is ever supposed to have been a witness in the case it is trying. Apparently, however, the Supreme Court is the expert pollster for all who come near. Every other expert is required to be cross-examined. It is called being allowed to confront the witnesses against a party. This Court, however, places itself above such fundamental notions, even when the polling the Supreme Court has done consists figuratively of wetting its finger and sticking it into the air to try to discern which way the wind is blowing.

Though the Court has become a witness, an investigator, a pollster, a wind gauge, the Supreme Court denies the fundamental right of the parties to have due process and question the witnesses against it. The Supreme Court allows itself to go out and poll and investigate or report behind the scenes without anyone knowing. It hides behind the Constitution at the very time it is depriving the parties of their rights under the same document.

As Congressmen, we are out in our districts constantly talking, questioning, never forgetting that a constant campaign is ongoing. A good Congressman knows what his district thinks. So how dare you, Supreme Court, try to sit in Washington and lecture us on what is or is not the will of the American people. We listen to the people. We go home, and we live with the people. We get e-mails and calls and letters and visits from the people, and we do not hide in an ivory tower.

How dare you tell us about the changing will of the people. You are the last to have any idea of what the real people's attitudes are. You go try running to get elected back to the Supreme Court, and then you can come talk to us about the changing opinions in America. If you ever had to run for office, you would find out ever so quickly just what the opinion and will of the American people are.

At a recent session of the Supreme Court in which the parties argued their respective positions, one Justice, in a bit of high-brow effort to sound both intellectual and computer literate said, as I understood him, that he had been on the Internet looking for more facts about the case or about the 17 monuments involved in that case. He is so far removed from the legal profession that he does not even realize how morally wrong he is acting, or he has such great contempt for the need of a fair and partial judiciary that he is killing it and its former credibility.

Such a judge should remove himself and allow only those who are not self-made witnesses to rule. If any juror in a local case or a judge in a local case were to go out and investigate the facts of the case, the case would be thrown out. There would be a mistrial. It is one thing for a judge to investigate the law of precedent or legislative history; it is quite another for him to be a fact witness. Shame on you.

In the Supreme Court's decision regarding juvenile eligibility for the death penalty, the Court showed not only that it could not follow precedent, it could not even follow its own precedent of the same Court. The majority of judges have caused the system to be so out of whack that it flips its own rulings to and fro in a whimsical sort of destruction of civilized and constitutional jurisprudence. People must have stability through court decisions, yet we are forced to have one whose constant reversals of itself remind one more of the policy shifts of a nation that has a coup every year or so than a nation of laws. This particular Nation deserves much better for its educated people.

It should also be noted by any jurist worth his or her salt that when a court continuously cites changing opinions of the populous or a national consensus, or an evolving national standard, it is saying that the issue at hand is clearly one for the legislature. It is the legislature that has to decide issues that are based on the will or the consensus of the people, and not the judiciary.

So here is a rule of thumb: if you find yourself as a court sometime trying to discern the will of the people internationally or nationally, then leave it alone. It is not your business. It is the business of the legislature.

If part of the problem is that our Justices attend too many national conferences, then perhaps we should legislate against them attending any conferences outside the country whose Constitution they are sworn to follow. After all, when they cite international opinion that was not in existence at the time the Constitution was written, they are going beyond the legislative history. They are legislating themselves. If they want to do that, they should do as some of us who were judges have done in Congress: we left the bench and we ran for the legislature to have that opportunity.

You want to deal with the Ten Commandments? Well, you took an oath to defend the Constitution. Try the commandment that says ''thou shalt not lie.''

When our highest Court seeks international opinion on what is right or wrong, it should ask itself where international opinion was when the Nazis were killing millions of people. It should ask itself where was the international opinion when Saddam Hussein was killing thousands of his own people. Some of the sources of this international opinion they rely on were selling equipment and supplies to Saddam Hussein as he murdered people.

Friends, I have not mentioned the propriety or impropriety of the actual outcomes of these recent Supreme Court decisions, but I call to account the disgustingly subjective and arbitrary process that has been guiding this Supreme Court. The majority on the Supreme Court has figuratively been a bunch of emperors with no clothes. The few judges left on the court with judgment must find it difficult working with a bunch of naked self-crowned autocrats.

In England, devoted patriots are fond of saying, ''God save the Queen.'' In America, it is time for devoted Americans to say and to pray in earnest, ''God save us from this Supreme Court,'' and then remove those who have ceased being judges and have become the worst nightmares of our Founding Fathers.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–15)

The SPEAKER pro tempore (Mr. DENT) 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. Consistent with this provision, I have sent the enclosed notice stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2005, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on March 12, 2004 (69 FR 12051).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and 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 Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2005*.

REFORMING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. BEAUPREZ. Mr. Speaker, I rise today to address this House and the people of the United States of America on a very, very timely subject: Social Security and, more specifically, the opportunity to reform Social Security. Now, recently, the President, President Bush, has been given a whole lot of credit, or blame, whichever your perspective may be, for even bringing this issue to the forefront of the American people and to this body.

I have the pleasure of serving on the Committee on Ways and Means of this House of Representatives; and, of course, it is going to be the obligation of the Committee on Ways and Means to deal with this issue and try to bring some consensus to the subject of how we might reform, fix, strengthen Social Security, an institution that has served generations of America very, very well, going back to the era of just post the Great Depression when my parents were just about to enter the working environment themselves as young adults.

So we do this with some degree of trepidation, but we also do it with a considerable sense of obligation to our children; in my case, a grandson now, knowing that an entitlement program such as Social Security that is especially critical to the survival, and I say that word advisedly, survival of so many of our senior citizens and especially the lower-income members of our senior citizen population who absolutely rely on Social Security for their very sustenance, we should pass that benefit, that promise of America on to our children's generation and all generations to come. That is not an easy challenge, as we are going to talk about in the time I have had allotted to me tonight.

Now, as I said at the beginning, at the outset, President Bush seems to get a tremendous amount of credit these days for bringing this to our attention. If the truth be known, President Bush was not the first one to point this out. In fact, if we go back to the very beginning, Franklin Roosevelt himself, often called the Father of Social Security, told us then that the plan put in place, the plan we are still on, was but a starting point, was but a beginning; that it would not be sustainable, nor adequate, forever; that at some point in the future, he even used the word ''annuity,'' an annuity would have to be created, a prefunded liability, a prefunded liability set aside to augment Social Security, because Social Security was never going to be adequate for the entire challenge in front of us.

Now, in addition, and much more recently than Franklin Roosevelt, our last President, the 42nd President of the United States, Bill Clinton, recognized the challenge in front of us and the obligation in front of us to reform Social Security. Now, President Clinton, as this poster to my left says, President Clinton in his State of the Union address in January 1998 said: ''We will hold a White House conference on Social Security in December. And one year from now, we will convene the leaders of Congress to craft historic, bipartisan legislation to achieve a landmark for our generation: a Social Security system that is strong in the 21st century.'' Bill Clinton.

President Clinton appointed that commission, and it was headed by Democrat Senator Daniel Patrick Moynihan.

President Clinton, just a month later, in February of 1998 also had these words to say at an address at nearby Georgetown University: So that all of these achievements, these achievements meaning the economic achievements, our increasing social coherence and cohesion, our increasing efforts to reduce poverty among our youngest children, all of them, all of them are threatened by the looming fiscal crisis in Social Security. President Clinton said that.

Now, recently, very recently, President Bush has been attacked for even suggesting that there is a problem, perhaps even a crisis with Social Security. I submit to my colleagues again that President Clinton certainly thought that there was, and I say to my colleagues I certainly think that there is as well. We will talk about that in the next little while.

How was Social Security established? Well, again, when my parents were young adults back in the mid- to late 1930s, coming out of the Depression, I am sure that in this very same Chamber, Members of the House of Representatives, led by a directive from President Roosevelt, felt an obligation to some of our seniors that were struggling; and coming out of the Depression, I am quite certain times truly were tough.

And this great Nation wanted to be there for those that needed us the most and had every right to ask for a bit of a helping hand so that they might have dignity in their last days. So Social Security became the program to provide just a little bit of support to maintain that dignity as people lived out their last days.

When it was established in the beginning, there was but a 2 percent tax placed on the first $3,000 of income a worker had. Now, there are a couple of other little details that are of fairly great significance. Back when it was established, for every beneficiary, every individual who received a Social Security benefit, there was about 42, 43 workers that paid the tax that created the immediate revenue to provide the benefit to that one worker, about a 42 to 1 ratio.

By 1950, shortly after I was born, demographics had changed and there were but 16 workers to pay for one beneficiary.

□ 1630

Even today, we have barely three workers paying for one beneficiary. And by the time my children approach their retirement, there will be barely two workers to pay for one beneficiary.

Now a couple of other little details, and fairly significant and important details, is back in the beginning when Social Security was established, the retirement age, the age when one was eligible for benefits was established at 65. Now, today, we think that that is pretty generous, makes sense. That is when people typically retire, a little bit earlier, a little bit later, about 65.

But, of course, the interesting little fact back in the late 1930s was that the average life expectancy was only about 60. So most people, before they even reached the age of 65, the eligible age for the benefit, had passed on.

Those that did survive typically did not live nearly as long as we all live today; thankfully, I certainly plan to. So there were not as many living in retirement, and they were not living nearly as long.

Today, of course, life expectancy is closer to 80. There is a whole lot more of us and, again, far fewer people paying that benefit.

That really is the essence of the challenge in front of us. Some would have you believe that this is some great debate about public policy differences, very different views of the world, maybe the left spectrum, the right spectrum of the political debate going on here. I do not think it is.

Frankly, I think it is pretty much a case of arithmetic. The numbers are in front of us. And the challenge is a result of the changing demographics.

There are a couple of other things that I think we need to have in front of us in our minds as we approach this debate, just simple little facts. Now, this chart shows current time, 2004, current year, last year; and the revenue that comes into the system, into Social Security, is marked on this line.

You will note that the zero indicates the break-even point. In other words, this is the benefits; this is over time. And right now indicated in black is the surplus. So we have more money coming into the system than there is going out. That is a good situation. You can pay your bills if you are running your house that way. That is a great opportunity.

But, very shortly, things are going to start to change. You will notice, in 2008, about right here, instead of a growing surplus, the line goes the other direction and continues in that direction. Why does that happen? Because in 2008, the very first of the baby boomers, those born in 1946, turn 62. And under the current system, you are eligible for early retirement at age 62 and start drawing benefits. In other words, you change from being a payor into the system to a payee, receiving the benefits.

And current statistics tell us that about 55 percent of our people opt for early retirement. So with that big wash of baby boomers coming at us here very shortly in 2007, the whole workforce, the whole demographic is about to change on us, to where we begin that decline of a growing surplus of revenue, more revenue coming into the system than we have benefits going out.

And we begin the decline. In 2018, the actuaries tell us at Social Security, this point, revenue actually is less than revenue coming into the system, is less than the obligation of the benefit. Now, many say that, you know, what is that problem? Is it a problem? Is it a crisis? Well, I do not know about the world you all live in, but in my household, when your expenses exceed your income, it is a crisis. And there seems to be a huge debate going on out there, is it a problem? Is it a crisis? Is it bankrupt? Is it insolvent? I submit to you, when you do not have enough money to pay the bills, you have got a real problem on your hands, and that is what we are facing very, very shortly.

In addition to that, I want to stay in kind of current time frame here, at this point, at 2008, when those first baby boomers start to retire, here is the other impact we are going to have to deal with right here in this chamber, the United States House of Representatives, in charge of the revenue and the paying of the bills for the United States of America right here.

We know we are in a deficit situation today. I submit to you that all Members on both sides of the aisle in this chamber, Democrat, Republicans alike, are concerned about our deficit spending. Think about this, folks: When we begin this decline, yes, that surplus as indicated in black, we have been living on that for a long, long time. We have been paying the bills of this great Nation: We have been paying for our veterans benefits; we have been paying for Medicare; we have been paying for education; we have been doing the great projects of this great Nation, the United States of America.

We have been running the country on that. Now, we will talk some more later about whether that is good or bad public policy, but it is a fact of life and Democratic administrations, Republican administrations, Democratic Members of the House when they were in the majority, Republican Members of the House when they were in the majority, have done exactly the same thing.

And here is why: Because if we did not use that to pay the bills, we are either going to have to drastically reduce the bills we pay, in other words cut programs, or we are going to have to go borrow even more money. It has got to come from someplace. And it has been coming from that black part of this graph.

So as that decline begins, as that line starts to turn down, and we have less of a growing surplus, we have got to go get the rest of the money to run this Government from some place.

And as you can see, the part that is in red, we not only lose the surplus, we start getting into a situation where fairly rapidly, this is just 2002 right here, by 2040, which is about the time, one side or the other, where my four kids are going to be retiring, by about 2040, we have got a serious problem on our hands. This is the deficiency between the money coming into Social Security from taxes and the benefit going out.

That is not the total obligation; that is just the deficit, just the deficit on an annual basis between the money coming into the system and the money going out. And, again, in addition to that, we do not have, at this point, any given year, we will not have the benefit of this surplus that we have been living on until now to pay the additional bills of this country.

Well, some say, go to the bonds, go to the trust fund, the Social Security Trust Fund. Give me just a minute on that. This is the way it works. And again, this is not devious. This is not some scheme that this administration or this majority cooked up. This is the way the system has worked for a long time.

Republicans, Democrats, this administration, that administration, this is how it works. By law, when you have got a surplus, the Government is obligated to sell those bonds; basically sell them to themselves because we write them. They are a special bond; they are not a bond like you take out on the street corner and sell to individuals or

pension funds or even other nations. We sell them to ourselves.

It has been referred to as an IOU, and in fairness, I think that is a pretty good analogy, because the Federal Government is saying we are going to take this money, we are going to pay all of the other bills, and that is why it is gone. But as evidence that it is a debt back to ourselves, the Federal Government, we are going to write a bond, a loan, if you will. We are going to sign it, U.S. Government promises to pay the United States Government so many billion dollars and trillions of dollars, and it earns interest.

So we think, well, that is great. Let us just go to that drawer in West Virginia, open it up and cash in those bonds, and we will pay all of those with those bonds, will we not? Where do we get the cash to redeem the bonds? From the tax revenue that comes into the United States Treasury year after year. And, folks, we have been using that money. We will use that money in the future to pay all of the other bills of the Federal Government. It is a classic take it from the right hand and put it into the left.

Now, that may seem like a subtlety, it is not a subtlety. It is a very important fact to remember. Yes, there are bonds, and yes, I guess, technically in a way, there is a trust fund. But it is the Federal Government, the U.S. Government, promising itself that it will pay itself back with its own money from the taxpayers, with interest.

Some choose to look at this thing in complete isolation of every other part of the Federal Government and say, oh, no, we can go out to 75 years. And if you do the math and are a little bit generous in your assumptions and you take all of the money that will come into the system and all of the bonds that will be created and add to that the interest earned, you can pay the bills.

And you can for quite a while. Not forever, but for quite a while. But, what happens is you dry up almost all of the rest of the government to do it. Because that deficit has to come from some place. And by taking the cash to close that deficit from all other programs and services in this country, most of which are on a growth curve themselves, by the way, you might sustain Social Security for a while longer, but at what price?

That is what we are dealing with in this chamber, and we are going to have some tough choices to make. I am joined in this Special Order by a good friend of mine, a new colleague from the great State of Texas (Mr. CONAWAY).

And the gentleman from Texas (Mr. CONAWAY) comes to this chamber, as many do, with considerable credentials himself, having had more than just a little bit of experience in the financial world. And it is a pleasure to have you with me tonight on this very important subject.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for those kind remarks. And I actually chose the office that you vacated, so that, as my initial start in this chamber, I would have the good vibrations that you left behind on your good start in this body.

I want to make a few points, some of which play off of the ones that you have already made. Unfortunately, we got off on what I think is the wrong foot when we began to call this situation a crisis. We in America have a relatively short attention span, and crisis means something is going to happen in the next 15 minutes or certainly by tomorrow. So that was probably an ill word to use, and we spent an inordinate amount of time arguing over that word.

I am a CPA by background, 30-plus years of business experience. And as I look at what I believe to be the very compelling arguments and facts that you present, then that leads me to believe that we do have something we ought to deal with, and that we ought to deal with that today and not continue to put that off.

Now, is the time to fix this problem. You have already mentioned that, each year that we delay in this fix, it adds an additional $600 billion of unfunded benefits and liabilities to our problem.

So, in your family, my family, my business, the clients that I have, if we had circumstances where we had cash flow deficits and I went to the Chairman and the CEO and I said, you know you are going to bring in less money than you are spending this year, do not worry about it, it will be okay, let us just do not fix it, wait 3 or 4 years from now.

□ 1645

Well, that is nonsense. Nobody does that in the real world, and we should not be about doing that here in Congress.

So I think the facts compel us to see the problem, see the issue that needs to be done and also compel us to say, we should be the ones who fix it. If you agree with the facts that we have a system that is no longer sustainable, there is a great adage that I picked up in one of the briefings that we had early in November that said, things that cannot be sustained will not be sustained. It is a pretty straightforward statement. That is exactly what we have here. We have something that will not sustain itself.

When it originally came into being in 1935, it could clearly sustain itself. The more callous of some would look at that system and say, that is nothing more than a pyramid scheme where you collect from all these people and give it out to a few.

In this instance, it is a legitimized pyramid scheme, but as every pyramid scheme in history it runs out of gas. The facts compel us to say that this system that we have got is running out of gas.

We hear the phrase PAYGO bandied about this body and in committees a great deal with some passion and disdain. This was an original PAYGO system, pay as you go. The monies you bring in are paid out to beneficiaries. I do not think it applies to Social Security and here is why. PAYGO means in this circumstances you pay, and if I am retired, I go. PAYGO ought to mean the folks incurring the bills ought to pay the bills. So I do not think the term PAYGO really applies to Social Security.

The next thing is once you have this issue in front of us, let us take a step back and put ourselves back 75 years ago when it was conceived and the leadership at that point in time, the wonderful leadership it was, clearly thought a lifetime benefit, a Social Security stream of cash flow that you cannot outlive, was an important public policy arrangement.

I do not hear anybody on either side of the aisle hinting that this is not still really a good public policy for our country to have. I have counseled many clients who as they approach retirement age one of the first questions they ask is, am I going to outlive my money? I have got all this put away that I have saved and scrimped and foregone purchases and have put this money away. Am I going to outlive that?

Well, the wonderful thing about Social Security is you have got the security of knowing you simply cannot outlive this lifetime benefit. So if we are compelled to fix it, and I think we are compelled to keep it, if it is good public policy for my mom and dad and for me, then I would argue that it ought to be good public policy for my grandchildren and my children, just like the gentleman has talked about his children as well. So I think we are coming to some things we can all agree on as we begin to move toward how do we come about this conclusion of fixing whatever is in front of us.

I have six wonderful grandchildren. God has blessed me immensely with four wonderful children and two daughters-in-law and a son-in-law and six magnificently wonderful grandchildren. It would never ever occur to me to gather those six little critters up, take them down to my local bank and say, Mr. Banker, I want to borrow a lot of money. And I want to spend that money over the rest of my life time, and I want my six grandkids to sign that note. And when they grow up they will pay off what granddad spent.

If you individualize what we are really doing every single day in this country, there is not a grandparent on Earth I do not believe who would do that, who would obligate their individual grandchildren for some individual debts that they might incur. So if it is not good public policy on an individual grandparent-to-grandchild basis, then it really should not be good public policy on a corporate basis to do this very exact same thing.

We are a Nation at war, and we have these wonderful stories coming back from men and women and the sacrifices

they are making on behalf of liberty, on behalf of freedom, spreading freedom around this world. They are answering a call to duty, a call to country, a call to honor that is magnificent on every level. But there are a select few, there are a lot of them, but in comparison to Americans there are a select few.

We ought to look at that example and say, given the sacrifices they are making, given their role that they are playing, is there some similar role that we can play? Is there some similar duty, some similar responsibility to country that we ought to be obligated, we ought to be taking on or shouldering; and in my mind this is clearly it. I cannot think of a better place to start on the financial problems that face this country than solving this problem.

Now, once you get the groundwork laid for the problem, once you get the groundwork laid that it is a process and a public policy we ought to keep in place, once you get in place that we ought to be the ones that fix it, then you begin to start what I think is a very thoughtful, logical, step-by-step process of coming about how to do that.

The President has laid out personal savings accounts as a piece of the solution. All of us collectively are going throughout our districts, looking at our men and women, the voters of the United States: if you have some ideas that will work on fixing Social Security, let us get those on the table. Let us get that into the mix as we try to coalesce around a solution that collectively, both sides of this aisle, a vast majority of both sides of this aisle, can gather around. Because the big public policy moves in this country happen when we collectively agree.

If we have to vote 232 to 203 on this deal, we do not have the right answer. We want an answer that is broad-based support throughout both sides of this aisle. And I appeal to my colleagues on the other side of the aisle that whatever this solution looks like, I assure you it is not wearing a jersey that has an elephant on it or a donkey on it. This solution just has the jersey of what is best for America, what is best to continue the promises made to my mom and dad. We will work to put the security back in Social Security for my grandchildren as well.

A couple of other points and then I will turn back to the gentleman. The black area that the gentleman is talking about, when I am out and about in my town hall meetings, one of the misconceptions that permeates them is that there is something wrong with having used the Social Security surpluses the way we have done it. Lyndon Johnson started it with a unified budget in 1969, I think, so we have had this for quite a while, both parties in charge of the White House and both parties in charge of the Congress. So we have been at this a long, long time.

We also have a push-back in what is called the transition costs. How do we pay for this transition? How do we pay for this fix? One of the things I would like to put forward, and I think it would resonate with many, is let us start today and capture that surplus.

Now, it is an accounting gimmick, and I use that phrase cautiously because what that will require us to do is rather than us borrow the money for the general fund from the Social Security trust fund and spend it, if we capture that money as a quote/unquote down payment on the transition costs, a down payment on the fix, then we will be required if we continue to spend the same levels of monies that we are going to spend the next years to 2018, we will have to go into that market and borrow that money from the public and borrow that money from the Chinese or the Japanese or other investors to fund the operations.

While it may be more form than substance, it may be a cornerstone of an idea that the folks can say, okay, that I understand. We are no longer spending the Social Security surplus. We are capturing that for a down payment of the transition costs. And maybe that is an idea that can be folded into the overall fix that will help the Americans rally around whatever this fix may be.

Let me speak finally about that red section. That red section there for the most part is unfunded liabilities, unfunded promises that this country has made. We owe that money to somebody. So if we collectively said, we are going to stop Social Security, we are only going to pay off the benefits that we accrued, we will still have this staggering deficit of unfunded promises that we have made.

As I campaigned and talked in town hall meetings, I heard the comment that Social Security is a contract with ourselves, and we are not going to breach that contract. Breaching that contract will be reneging on those promises and affecting benefits for the current beneficiaries who are counting on the cash flow for a lifetime, the lifetime benefits. If you are on benefits right now that will not change. If you are within a certain number of years that we can collectively agree on retirement this is not about you. This fix is not about you.

This fix is about our grandchildren and our children as they begin to approach that. So when we talk about borrowing money, we have already borrowed that red money. It is just not on our balance sheet. The Federal Government's financial statements are rather poor, speaking as an accountant, a CPA. If somebody had to sign the Federal Government's financial statements with the same liabilities that major publicly traded companies' CFOs sign, we would put them in jail. That liability is ours. We have made those promises. They are out there. They are on the quote/unquote U.S. Government balance sheet, or ought to be; but they are there.

It is not a matter of borrowing new money. It is figuring out how do we fund an obligation that we will keep, we have obligated ourselves to. The bill just has not come due yet.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman because I think he has made one of the key points in this whole debate and one that, frankly, frustrates me a little bit having been a community banker before I came to this Chamber. We do not hear enough talk about the difference between a funded and unfunded liability. And I completely agree with the gentleman. The promise has been made. The liability is on our books. I know we do not show it that way. We do not draw up the balance sheet of the United States of America quite the way that the private sector is familiar with seeing balance sheets drawn up. But the liability is there.

The gentleman is here in this Chamber just like I am, and I have told people that I cannot in my wildest dreams comprehend that there is going to be some future Congress that will say, oh, well, we have a problem. We are a little short on cash. We are just going to whack your benefits, because I think most of us like our heads attached to our shoulders. If we whack benefits, we would get our head lopped off, and probably should.

The gentleman is absolutely correct, and I commend him again. The liability is ours. The promise has been made. The challenge in front of us is to come up with the most fiscally responsible way of funding, paying for that liability.

Mr. CONAWAY. Mr. Speaker, one other point. Not only the liability for the promises that have been made but also the promises we intend to make to our grandchildren, a lifetime benefit for each and every one of those, a benefit that they cannot outlive. It was good public policy in 1935. It is good public policy in 2005. It ought to be good public policy in 2035 when my sons and daughters begin to retire.

I want to misquote Ronald Reagan in one of his inaugural speeches talking about the problems this country faces that in terms of solution, if not us, who? And if not now, when?

I thank the gentleman for allowing me to share his time this afternoon.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman. I believe he has brought some clarity to the issue.

The gentleman mentioned a point that needs to be made over and over again, that is, for current retirees, the seniors that are out there I hope listening to what we are saying this evening on the floor here at the House, seniors today, current beneficiaries have absolutely nothing to worry about. We have got the money there. We can pay the bills. They are going to keep getting their checks. Nobody is talking about even touching them. Quite the opposite, making sure that they are not touched, not damaged in the least. We are not taking a thing away. And near-term retirees, like me, I am 56. I certainly do not want anybody messing

with the benefit that I hope to have there and expect to have there and will be there, because the money is there.

The gentleman is absolutely right. It is about our kids, in my case my one grandchild so far. I am working on more. I am dropping those hints, and the gentleman's six and future generations as well.

I think one of the challenges in front of us, and I have certainly heard this on my committee work on the Committee on Ways and Means from the Social Security actuaries. Yesterday we had the Comptroller General in front of us, David Walker, and he said, you guys can play with it a little here, you can play with it a little bit there by making subtle changes, and you can push out a little farther, you can extend the edge of the cliff, but you are not going to solve it unless you are bold.

We have to reform the system.

Mr. CONAWAY. Let me make a comment. The gentleman talked about when the collective surplus is paid off to beneficiaries, and it is estimated that it is somewhere in the 2042 range, beneficiaries on that date under today's law with us doing nothing else will suffer a 25 percent haircut immediately in their benefits. That is out there. That is in current law. That ought to be on the minds of all the folks who think about benefits.

Today's beneficiaries, it is not likely that many of them will live to 2042; but we will keep those promises. But 2042-ish there are immediate cuts. I would like to get that fact on the table.

□ 1700

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman. In fact, he recalls for me testimony made by, again, the Comptroller General, David Walker, just yesterday. This is the Comptroller General of the United States of America, in front of the Committee on Ways and Means, just yesterday; he pointed out that, even right now, 2004, if we wanted to just fix, now by fixing the system, let me define that, make it sustainable forever, perpetually sustainable, do not have to go back and do it again, keep it on the same path for benefits, same path for payroll taxes as we now have, to get it to the point where you do not start getting in the red again, way out there; to make it sustainable today, we would either have to reduce benefits 13 percent or increase taxes 15. That is for permanent sustainability, if you only play with those two factors.

Now, if you go out to 2018, that is this year right here, where we expect the line to cross and start the growing deficit cash deficits in the system, that increases. Of course, it has to have a bigger fix, 16 percent benefit cut or an 18 percent tax increase, and the gentleman is absolutely right, that the numbers that he gave us, if we wait till 2042, which is the year I believe that the CBO, Congressional Budget Office, says that is when we run out of dough, that is when all the bonds are used up, interest on the bonds. We are done. We have got to rely now just on the payroll taxes that come in on a daily, monthly basis to pay whatever benefits.

Benefits immediately would drop, he said, about 30 percent, my colleague I think said 27, or increase taxes 43 percent. We cannot go down that path, and I liken it to, this is just too much common sense, and once in a while, it actually applies in this chamber.

If your roof is leaking, when you notice that first drip, it is a little more prudent to go up on your roof and patch that roof when it is leaking just a little bit. It is cheaper. It is quicker than to wait until the entire roof collapses on you. Well, we can wait, and many are suggesting just exactly that. What is the hurry? What is the hurry?

As my colleague pointed out, these are not numbers we have somehow created. These are from the actuaries. For every year we wait, it costs us $600 billion. Why is that? Because we are trading a year like this, especially on the front end, for a year like that on the back end, $600 billion.

Now, how much is $600 billion? Well, that is about one-and-a-half times what we spend in the United States of America on our Defense budget every year. It is a lot of money, and I submit we cannot go there.

I am joined by another colleague of mine, the gentleman from North Carolina (Mr. MCHENRY). Did I get that right?

Mr. MCHENRY. Mr. Speaker, that is right.

Mr. BEAUPREZ. North Carolina, Patrick McHenry, a great name and a proud name.

Mr. MCHENRY. Almost as good as Bob Beauprez.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for being with me, and he brings a slightly different perspective being I think maybe the youngest Member.

Mr. MCHENRY. In fact, I am.

Mr. BEAUPREZ. Congratulations, youngest Member of this chamber. So maybe an even fresher perspective to this issue of Social Security reform, and with that, I will yield to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the gentleman so much for yielding and for hosting this discussion about the issues that we are facing as a country and I believe the most pressing issue we are facing in terms of our economic outlook and our ability to help those that are at or near the poverty level, especially those seniors. I thank him for affording me the opportunity to talk about Social Security.

Social Security is America's most trusted Federal program. My colleagues know this, I know this. I would submit that the American people are beginning to realize how vital this program is, and certainly, the gentleman from Colorado (Mr. BEAUPREZ) knows this, but my constituents in western North Carolina know this distinctly.

In fact, my grandmother, my Granny Gooch, in fact, knows this issue as well. My grandmother would be quite offended if I mentioned on the Floor of this chamber how old she is, so I will just submit she is retired, and with that, I will be able to go home at Christmastime and enjoy my grandmother's cookies, but she receives her Social Security payment each month, and she depends on this.

As an elected official in the United States, I do not want to take away my Granny Gooch's benefit, and this Congress will not do that. Mr. Speaker, you would not know this from the Democrats' attacks on the President's proposal. You would not know this by the ideas that we are talking about in this Congress and over on the other side of this wonderful Capitol Building. Social Security is broken, and it needs to be fixed. This is not a matter of opinion. This is a fact.

We need to strengthen it for future generations so that it will remain a viable and sustainable government program. We must guarantee the promised benefits for current and nearly-retireds. I think that is a vital part of every reform proposal that has been offered this year in this Congress. We must guarantee a government safety net to ensure a retirement benefit. None of my colleagues disagree with this. Those on the other side of the aisle who will deny that reform is even needed will, in fact, agree that we must at least provide a safety net. My colleagues over here on this side, even the most conservative, would agree that we must guarantee a safety net.

We are going to do that as a Congress, but many of my Democrat opponents on the other side on this issue, they will not even take a second look at the problem. They believe it is such a great hot button political issue that they can demagogue it to win the next election, and this Republican Congress is taking on the challenge that Social Security is presenting to our budget, that it is presenting to our seniors and that it presents to all generations in America.

We are going to make sure it is a sustainable program, and we will make sure that it is viable for generations to come. We are not going to use it as a political issue. We are going to do the right thing. We are going to act to make sure that we can fix this issue and make it a sustainable program.

Demonizing the issue does not achieve results. Anyone who proposes a reform plan has an obligation to step forward and do what is right. Anyone who is in Congress has an obligation to do what is right on this pressing issue of the day, and right now, Social Security taxes take more money in than the system pays out in benefits. That is true, but that is not the case going forward.

In a few years, we will be paying out more in benefits than the Social Security system arrives at or receives from

the American people, and going forward, we have enormous deficits that the gentleman from Colorado (Mr. BEAUPREZ) has shown on charts here earlier today, and by 2042, which just, in fact, happens to be the date that I am eligible for Social Security, the system goes bust. It will only be able to pay about 60 to 70 percent of the benefits pledged and guaranteed or it will necessitate such a crippling tax increase that this country has never seen before the likes of it.

Look at the facts. We are going through a demographic shift in this Nation. We are an aging Nation. When the program began, there were about 40 workers per one retiree when Social Security was implemented. By the 1950s, it was roughly 16 workers per one retiree. Today, we have roughly 3.3 workers per one retiree. Clearly, we have an issue with being able to sustain Social Security because of the changing demographics in our country. Therefore, reform is necessary because of our shift in demographics.

These are the facts. They are hard facts. They are real. They are undeniable facts. Social Security is a broken system that needs to be fixed, and our Republican Congress is going to take on this issue.

My colleagues on the other side of the aisle on the left would say that it is a great political issue. They would like to see it for years to come so that they can try to win elections on this issue, this problem. But to help strengthen Social Security, the President has proposed, and I support, allowing younger workers such as myself to invest a small portion of their payroll taxes, take that small portion and invest it in Social Security personal accounts, diversified bond and stock funds, safe investments, tried and true investments here in the United States of America and, in fact, in the world market.

These safe investments will allow every worker to build up a significant nest egg for when they retire. Right now, the returns a person gets on Social Security are about one-and-a-half percentage points on what you invest in Social Security, less than two percent even under the best cases. With bonds and stocks, diversified bond funds and stock funds, taxpayers could get a return of 5 percent, 7 percent, 10 percent. Even the worst returns the stock market has produced on a large scale over the course of 20 years has been about 4 percent. Certainly, it is a better deal than the current Social Security system.

Look beyond that. Those that have personal accounts will be able to pass on a nest egg to their children and grandchildren once they pass on. Right now, if you were to die just one month after you retired, you would collect only a check from Social Security after paying in for 40 or 50 years into the system, and what would your spouse, what would your child receive? Certainly not much. I think we have a higher obligation here in the United States, and personal accounts would allow that nest egg to be passed on from generation to generation.

That is why I support personal accounts, Mr. Speaker. They are safe. They are smart. They fix the Social Security system, not just for the next few years, but for generations to come, and they strengthen the Social Security program in the Federal Government.

Look, I support five guiding principles for reforming Social Security. First, we must guarantee promised benefits for those that are at or near retirement age. They played by the rules. They have paid into the system. We have that obligation, that moral obligation, I believe, as a country to help those that are close to retirement age.

Second, workers should have the choice to put a portion of their payroll taxes in prudent diversified investments. These are safe personal accounts that the government will not be able to take away like they could take away a Social Security benefit. There would be a property right to these things.

Third, workers should own their accounts, not the government. Property rights are sacred in this country, and I believe that these personal accounts should have a right as private property so that you could actually pass that on to future generations.

Fourth, the government should provide a safety net to ensure a minimum retirement guarantee. Folks cannot gamble their retirement accounts in Vegas, I will tell you that much, and there will always be a benefit for every worker.

Finally, there should be no payroll tax increase involved with any effort to reform Social Security nor should we subject new income to the Social Security tax, to the payroll tax. Tax hikes are not reform. They are pawning any and all problems with the program on to the backs of younger workers such as myself.

Social Security is one of the government's most trusted programs. We are going to maintain that commitment, and we need to make sure it is there not just for me but for my Granny Gooch; not just for me but my children that I hope to have; for my grandchildren; for future generations. But to do that, we need to have serious reforms. We need to have a real discussion and dialogue on the problems of Social Security and the best ways of fixing this program for permanent solvency.

Sweden and Britain have personal accounts. Countries around the world have personal accounts. So the U.S. is not leading on this. We can look to other areas in the world that have been successful in this way. We can look at 401(k) accounts that have been widely successful across this Nation. We can look at thrift savings accounts that all Federal employees have that have been so successful, that have changed retirement security in this Nation.

I believe that we should look at prudent ways to fix this problem because of the generational shift we have in this country, because of the demographic shift we have in this country. We have an obligation to do this.

□ 1715

Mr. Speaker, this Congress must act. We must act now to ensure that we have a viable Social Security system for years to come. That is what my constituents in western North Carolina want; that is what the American people want. They want us to not demagogue this issue, but look at real reforms that have a substantive effect, that have a lasting impact.

On a final note, Mr. Speaker, we have to first say to those at or near retirement age, this is not about you. We are going to maintain our commitment to you. You are going to get the same Social Security benefit that we have pledged to you; but at the same time we have to ask those that are at or near retirement age, what do you want to leave to your children? What do you want to leave to your grandchildren? What kind of America do you want to leave them? Do you want a better, brighter day for them, or do you want to sink them into a failing program, like Social Security? Do you want to leave America a better place than it is today?

I submit to my colleague that the American people appreciate that. Those that are receiving Social Security checks today do in fact want to help their children and grandchildren get into a better system for Social Security than they were able to benefit from. It is not about current retirees' checks they are receiving. This debate is not about them. It is for those that are younger in this Nation, those under 55 that could benefit from this program, that could benefit from this program.

In fact, as a 29-year-old, I believe this is a wonderful opportunity for my generation to actually have great personal savings, a nest egg, a better, brighter future for our country and for our families.

Mr. Speaker, I thank my colleague for hosting this Special Order on Social Security. I think the gentleman's constituents as well as mine appreciate the fact that we are willing to talk about the problems we are facing and yet offer substantive solutions. This is not easy lifting, so I thank my colleague for his leadership on this issue.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for joining me, and my colleague puts in very good context the challenges in front of us.

I think it is important to note that right now, recognizing the substance of the problem in front of us, but especially listening, and listening certainly to Members in this Chamber, this body, the people in this town, but, more importantly, listening to America for those good solutions is what we ought to be about.

A couple of things I have already picked up on. In the last few weeks, I have had the pleasure, I guess it was a pleasure, although it was a stark message, of hearing the Deputy Commissioner of the Social Security Administration testify in front of our Committee on Ways and Means, Mr. James Lockhart. Mr. Lockhart was the first one during this new Congress to actually look us right in the eye and say ''Social Security, as it currently exists, is unsustainable.''

Now, there are a whole lot of words thrown out around here: problem, crisis, bankrupt, insolvency, all that stuff. But when the Deputy Commissioner of the program says it is unsustainable, I get that word. I also understand that over time, as I pointed out earlier in this hour, it started out with a 2 percent tax on the first $3,000, and it has been tweaked a little as we go.

Along the way, the tax that the employer pays was implemented. And many people think, well, that is great, it is not mine. I submit, though, that if you are the worker, that is coming out of the personnel costs that that company, your employer, is allocating because he thinks it is an expense for having you as a worker. It is now 12.4 percent of not $3,000, but $90,000. So it has grown.

Some are saying let us just tweak it again. We are not going to put it on a path of sustainability by another relatively subtle adjustment, subtle in some people's minds.

Now, more recently, in fact yesterday, David Walker, the Comptroller General of the United States of America, had this to say. Some picked up on but a few words of what he had to say, but I will give the first several sentences: ''Although the Social Security System is not in crisis,'' and at least one of the major papers in this town had a headline that said ''Walker Says Social Security System Is Not in Crisis,'' and stopped there. But here is what he said: ''Although the Social Security system is not in crisis, it faces a serious solvency and sustainability challenge that is growing as time passes. If we do nothing until 2042,'' and that is suggested, ''achieving actuarial balance would require a 30 percent reduction in benefits or a 43 percent increase in payroll taxes for just the period of 2042 to 2078.'' And then once again you are back in the soup. You have got a problem in front of you there. All we do is defer into the future if we do not fix it now.

''Furthermore,'' he says, ''Social Security's problems are a subject of grave fiscal challenge facing our Nation. Absent changes in budget policy, the Nation will ultimately have to choose among escalating Federal deficits and debt, huge tax increases and/or dramatic budget cuts.'' Pretty stark words. ''As the General Accounting Office's long-term budget simulation shows, substantive reform of Social Security and our major Federal health programs is critical to saving our Nation's fiscal future. Taking action soon would serve to reduce the magnitude of the changes needed to ensure that Social Security is solvent, sustainable, and secure for current and future generations.''

I submit to you, Mr. Speaker, that is the challenge in front of us: ''Take action soon to reduce the magnitude of the changes needed to ensure that Social Security is solvent, sustainable, and secure for current and future generations.''

Last week, and I will close with this, Federal Reserve Chairman Alan Greenspan had this to say: ''In my view, a retirement system with a significant personal accounts component would provide a more credible means of ensuring that the program actually adds to the overall saving and, in turn, boosts the Nation's capital stock.''

We are beginning to develop consensus. This is a huge heavy lift, but it is a lift that is necessary, as Mr. Walker said yesterday, ''to ensure that Social Security is solvent, sustainable, and secure for current and future generations of Americans.''

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is a pleasure to address the House. Also, I want to thank our Democratic leader, the gentlewoman from California (Ms. PELOSI), for allowing us to have this time.

Week after week, as you know, the 30-something Working Group comes to the floor on issues that are facing Americans, not only young Americans but all Americans, since we are a country that has very strong family values and that believes in making sure that the next generation has better opportunities than the generation before them.

We come to the floor to not only share information but to share good information, information that can be shared with others. We also let not only Members of this House, but Members of the other body know where we got the information from: real accounts, not just fiction. I know some Members come to the floor well intended to share good information, but it is questionable as to where it came from.

We are going to talk a lot about Social Security during this 30-something hour, and we are also going to address and commend some of the groups that are out there fighting the good fight, sharing with young Americans about many of the issues that are facing them. It is important that we do so, so that they will be able to make accurate decisions and will be able to speak to their Members of Congress about what they should do as it relates to Social Security.

This afternoon, Mr. Speaker, I am again honored to have my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who I have had the opportunity to serve with over the last 10 years in the Florida legislature and now here in Congress. Our colleague, the gentleman from Ohio (Mr. RYAN), is not here with us, and I will give him a hard time about that; but he had to leave, and so being from Florida, it is certainly appropriate for us to be here with so many Social Security recipients in our State. And even those individuals that are living in other parts of the country will no doubt eventually make it to Florida and become our constituents one day.

Mr. Speaker, it is an honor to yield to my colleague at this time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank my colleague for yielding to me, and it is an honor to be here once again with him. It has been my distinct pleasure to serve with my colleague in various capacities over the last 10 years, and particularly because we represent a State that would be so impacted by whatever the vague outlines of the President's suggestion, for lack of a better term. Because what has been truly unfortunate about the President's concept is that that is all it has become. It has just been a concept.

We are trying to help people understand that the President, although he has been stumping the country promoting his concept, his concept has never amounted to legislation. He has not asked any Member of Congress to file legislation. We have not seen a bill; therefore, we have no specific details. And coming from the State that we do, which is one of the States whose residents would be the most significantly impacted by the devastating results of his proposal on Social Security, we have spent quite a bit of time trying to educate our constituents about the dire ramifications.

Given our generation and the impact ultimately that the President's outline would have on them, we need to continue to spend time doing what we have been doing, which is trying to spread the word and make people aware that, despite what they may have heard in the previous hour, we are on a fact-disseminating mission. We need to get the word out and make people understand that there is a lot of fiction and a lot of trumped-up reality that has been disseminated.

We need to help people understand that while there is a problem with Social Security, we need to be responsible and take the time that is required, that is our responsibility to take, to get it right. It is not a crisis.

The year 2042 is what has been clearly acknowledged as the earliest that we have to be concerned about there being a cut in benefits. And while we absolutely do not think we should reach that point, in 2042, since this is the 30-something Working Group, I will be 75 years old. In 2052, which is the more likely scenario, given the dim economic picture they have painted and

given our economic history, it is unlikely that in 2042 there would even be a problem yet. I will be 85 years old.

The reason that is important, as my colleague knows when he talks to his friends and when I talk to my friends, people who are listening out there, people our age think Social Security will not be there for them. They really do. And with the facts, they will understand that it will be there for them well beyond their retirement years. We need to be responsible and take some time to make the changes necessary and not yank the rug out from under our generation or our children's generation. We need to make sure we can preserve the Social Security safety net.

So, Mr. Speaker, I am glad to join my colleague this afternoon because we have a lot of educating to do.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I am so excited to be here and to be able to share information, not only with our charts but about what is happening.

This is about future generations, but it also is about the present Social Security recipients. Right now we have 48 million Americans receiving Social Security, and 48 percent of those individuals would be in poverty if they did not receive that Social Security benefit. This is serious business. This is not a numbers game. It is not an opportunity for this body or the majority side or the minority side or the President or what have you to give the American people the Potomac Two Step. We cannot allow that to happen. This is the very fiber of American values, as we value our older people and as we value our generations to come.

If I can, Mr. Speaker, I want to take a few moments to talk about the reason why we have to be credible here on this floor. Now, once again, like I did last week, I want to commend not only the Democratic leadership, the gentlewoman from California (Ms. PELOSI); the gentleman from Maryland (Mr. HOYER); the gentleman from New Jersey (Mr. MENENDEZ), chairman of the House Democratic Caucus; and Vice Chair of the caucus, the gentleman from South Carolina (Mr. CLYBURN), for being so stalwart and being out there and willing to be the hood ornaments of righteousness on this issue.

□ 1730

When you are a hood ornament, nine times out of ten, you are going to get some bugs in your teeth. I used to be a State trooper, so I know about hood ornaments.

But for us to do Social Security, it needs to be a true bipartisan effort. Where does the rub come in? I think where the rub comes in here is the majority side is saying we have to have these private accounts. Even the President had to admit that private accounts will not resolve the Social Security issue.

Social Security is not in the stage of crisis. Let me say that again, because we have folks who are flying around and burning jet fuel at taxpayers' expense, on C–SPAN more than the House is on C–SPAN, and the other body, talking about a crisis.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, what could happen is our colleagues on the other side of the aisle just spent an hour talking about how there is a crisis, and we need to address it. It could appear as though we are engaging in a debate of, yes there is, no there is not. Let me just show the folks at home who is saying and agreeing there is not a crisis.

The other day, the Comptroller General, David Walker, testified in front of the Committee on Ways and Means, which is the committee with main jurisdiction over this issue. He said, while the program faces no immediate financial crisis, he did say that time is working against us, and the longer we wait, the further you put off solving this problem, the more difficult it is going to be. He did acknowledge in full public view, the Comptroller General of the United States, that the program faces no immediate financial crisis.

Now, I would not think that the Comptroller General would deliberately contradict the President unless he wanted to make sure that he stuck to what is factual versus hyperbole. We have been truly committed to disseminating facts and not just blowing this problem out of proportion to get to our political goal. That is what the other side has been doing.

Mr. MEEK of Florida. Mr. Speaker, taking from the words of the gentlewoman from California (Ms. PELOSI), we want to strengthen Social Security. We want to do it in a bipartisan way and without slashing benefits and making sure that we do not have private accounts that will make the Social Security challenge even worse. We will point that out as we move along.

Once the President stops insisting on privatization of Social Security, we can have a real dialogue and move forward and make sure we can deal with the long-term challenges.

I mentioned earlier about the 38 million Americans that are recipients, and the average benefit is $955. That is a lot of money to many Americans. This is not money that they just showed up and said, I have not worked and I want Social Security benefits. These are individuals who have worked every day of their lives, invested in Social Security and want to make sure that is the guaranteed American benefit that they are going to receive at the end of their working years, and rightfully so.

What the private accounts are doing and what they should do is do what we did when President Reagan was president and Tip O'Neill was Speaker of this House. They got together on a bipartisan basis and came up with a solution for Social Security. That is what we are going to have to do. We cannot have an OK Corral with one at one end of the street and one at the other and then figure out who can say what the most, even if it is inaccurate, playing the political game, because Americans will lose in the long run.

Let us talk a little bit, and I want to share a little bit about the credibility of inaccurate information. That is contradicting to say the credibility of inaccurate information, but it is important that Americans understand that if they are going to take something as fact, it is important that they have some sort of reference to go to because a lot of things have been said in this Chamber.

I mentioned last week, dealing with the whole Medicare prescription drug debate, and I commend some of my colleagues on the other side of the aisle who stood against the powers that be and said no, I will not vote for this give-away to some of the strongest lobbyists in this town, that we are going to give them a gift and not be able to give a gift to seniors that we should give them. That we will not, I will not continue to borrow money on a high interest credit card, and I have to get my credit card going again because I had a blown-up copy of the Federal debt, that we are not going to do it.

When we started dealing with the prescription drug issue, everyone was running around saying we needed to deal with prescription drugs. On the Democratic side we said, yes; finally, we can get together and do something on a bipartisan basis. During that debate, the administration said the prescription drug bill will cost $350 billion. That is without giving the government negotiating power with the pharmaceutical companies to bring the cost down, that is just having the pharmaceutical companies set the price.

Then the administration shared with us that it would be $400 billion. That is a lot of money; okay. We were able to not only pass the bill, and many of us voted against it because we knew the numbers were not correct and we could not get price negotiations in to bring the cost of prescription drugs down for everyday Americans. Sure enough, after the debate, we received information that it would be $530 billion. That is a lot of money. I am talking about future generations and what they have to pay on the debt.

Then a couple of weeks ago, the cost went up to $727 billion. I will tell Members that is very, very wrong as it relates to inaccurate information that we have received from not only the President but from the majority side.

Before I move to the next point of accurate versus inaccurate, Social Security, Democrats have literally given flesh and blood for Social Security. This is something that we have fought for because we believe in not only the American worker but making sure that when we tell Americans that we are going to do something, that we are going to stand up to that responsibility. Private accounts are private accounts. They are private. It is privatization of Social Security, and it is not just the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) saying

that there will be issues if we take this private account gamble, but there are others that have come out against what the President is talking, this philosophy which is not a plan which we will address later. The gentlewoman has a chart to explain further what we are talking about.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is important to continue along the vein that we have. These are not manufactured facts by the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

If we look at this chart that shows how the debt would increase under the President's budget proposal if this plan goes forward, this is the portion of the debt from 2004 through 2015 that each American would be responsible for. It starts at $4,395 in 2004 and goes up to $10,500. This is gross income per family of four, and this is CBO numbers. This reflects the CBO's estimate of the President's budget that he has recently proposed. We are already in pretty dire straits when it comes to the deficit. The deficit, when divided amongst every American and each family, this is what it translates to over time. This is what it means to a family of four in real burden.

So if Members think about the real burden that a family of four takes on in adding to the debt because the proposal that the President has put forward grossly increases the deficit. I want to take this chart down and go to the next chart, in order to privatize Social Security and make the transition to private accounts, that would cost $1.4 trillion in borrowing in the first 10 years of the plan.

That obviously will endanger the economy. It makes us further indebted to foreign nations and sends essentially the decision making about our economic future to China and Japan as opposed to remaining here in Washington, D.C., where we think most Americans would obviously prefer it to be. It raises taxes on our children and grandchildren over time because that number goes from $4,300 in debt per family of four to more than $10,000 per family of four.

Going past 10 years, it costs another $3.5 trillion. The Republican Social Security privatization plan adds further to our debt. Here is the $1.4 trillion in the next 10 years and an additional $3.5 trillion over the 10 years after that. That adds additional debt in the first 10 years, and this shows the current debt that we have.

We have got to make sure that we become once and for all fiscally responsible. We have a goal to remain committed to the preservation and solvency of Social Security because we have been, as Democrats, supportive of creating, sustaining and improving Social Security since 1935. The proof is in the pudding. The proof is in where the votes have been, and the votes have been in terms of sustaining Social Security's future, on the Democratic side of the aisle.

Mr. MEEK of Florida. Mr. Speaker, the Congressional Budget Office has given us a lot of good information for us to be able to share with the American people about what is actually happening with this debate.

I also want to say that the President and some Members on the majority side bought into the philosophy to hit the road. I am glad they are joining us because over 80 percent of the Democratic Caucus has gone out and had town hall meetings not only in their districts but throughout the country.

A little later on, I would like to talk about a town hall meeting that I am having. I will be in the Capitol tomorrow, and at noon, I will be online. I will give that information later. I will talk about how you can become a part of a town hall meeting and send questions in. We have received 20 questions already, and we have not even gotten online yet.

The President said in Columbus, Ohio, today, This is a debt to the future generations of Americans, and unless we do something about it, we will not be able to pay for it without wrecking the economy. This is what he said in Ohio, and I am glad we have a savvy reporter from the Associated Press that understands the plan as we understand the plan here in Congress.

Under this plan, retirees and workers 55 and over will receive current benefits without changes. Younger workers would get a lower guaranteed government benefit at retirement than current retirees will receive right now on the assumption that their personal account earnings would make up at least a part of the difference. Under the administration's philosophy, younger workers who decide against the private accounts would also face cuts of their guaranteed government benefit.

Some Republicans have been skittish about the issue, fearing political backlash, and I will say congressional Democrats are virtually unanimous in opposition to this philosophy.

□ 1745

I just want to say that as we start talking about cutting back on benefits, what the majority side is doing, they are saying even if you do not want to be a part of the private accounts, because you hear all this thing about options and choices, that even if you do not want to be a part of it, your benefits are going to be cut anyway. I do not understand it.

Then some folks say, well, where is the Democratic plan? I would say, where is the majority side plan? There is no plan. There is not a piece of legislation. Nothing has been binding and sent to the Hill. Nothing at all.

I want to show this chart to the Members because we need to make sure that we remind some individuals here about what has been going on with this debate on Social Security and private accounts. We have been time after time, and I say ''we,'' House Democrats and some good Republicans on the other side of the aisle, I just want to say again, there are some in the majority caucus that have taken a stand against the administration and the majority side in saying no.

After the Medicare prescription drug issue, it is embarrassing. If you voted for the Medicare prescription drug plan, you are embarrassed. If you are a fiscal conservative, you have a bag over your head, because you are saying, I can't believe I voted for that. I can't believe that not only did I increase the debt, that we are knocking on the Bank of China to pay down on the debt, God forbid if they said, guess what, we don't want to buy any more of your bonds, we are in trouble.

This is a time of war. This is a time when we are trying to protect the homeland. And as I see the administration out there running around, saying, I guess if we burn enough jet fuel and go around and talk to people, maybe they will start believing that there is a crisis.

The crisis is the Federal debt. The crisis is the fact that 45 million Americans working, not those that are sitting at home cracking their toes saying the job situation looks sad, these individuals are going in every day to work, and they do not have health care. That is a crisis. A crisis is our men and women in Iraq and Afghanistan and in the horn of Africa that are fighting terrorism. That is a crisis. A crisis is these military families, especially for the Army, that have been deployed some 12, 15 months, and they are trying to make ends meet. That is a crisis.

I think maybe, just maybe, and I am not here with hypotheticals, but I am just saying maybe this whole thing about Social Security private accounts may just be, I will run that way when the issues are this way. And I think, or I know, that the American people are a lot smarter than some people may think they are as it relates to having a grasp on this issue of Social Security.

The reason why we do not have a bill and the reason why the President has not come up with a plan and the reason why the majority side has not proposed a plan, because the American people are not with privatization of Social Security.

I know the gentlewoman wants to say something, but I just have to make this point because this is about fact, not fiction. I think it is important. I think we have an obligation as the Democratic 30-something Working Group empowered by our leadership to come to this floor to have an hour on this floor every week is not only an honor for us but an honor for every young American that is out there and also for every parent and grandparent that is saying that I want my children to have a better opportunity than what they have had.

Let us talk about what the President is doing now. In 1978, he said he wanted to privatize Social Security, that he would like to see it happen.

In 2000, during the campaign, then Governor Bush said that he wanted to privatize Social Security.

Then when he became President Bush, he appointed a commission to develop a privatization plan for him. In December of 2001, that commission gave the President three options for privatization of Social Security.

From December 2001 to 2004, the President and the administration and the majority side were silent on Social Security. For this to be a perceived crisis that the majority side is talking about and that the President is talking about, to be silent over all of that time and say nothing.

In 2004, while running for reelection, the President again talked about private accounts and saying they are a solution for Social Security's long-term financial imbalance.

Days after the 2004 election, the President said that he had political capital and wanted to use it to push privatization of Social Security through the Congress right away.

In January of this year, press accounts claimed that the White House would have a privatization plan to Congress by late February. This is March now, or early March. I am going to tell the Members right now, I do not think that we are going to see one. In the budget that was submitted at the beginning of February, there was actually no reference to this crisis that the President speaks of in his budget. No reference. Meanwhile, we have the President flying all around the country, this is a crisis, they are using words like ''bankrupt,'' and nothing in the budget. I cannot understand that. It goes against what you should do in a crisis. And now the press is saying that they are not clear if the President is going to offer a plan.

I know it took me a little while to say all of that, but I want to make sure when individuals in the majority side start to talk about, well, where is the Democratic plan, I will tell you, we have been waiting years for the Republican plan. Years. Our plan is already enshrined in Social Security. The reason why it is going to be solvent for another 47 years is not because the majority side, the Republican side, has said we love and we want Social Security for years and years to come. It is because Democrats demanded that Americans that did everything that we told them to do, work hard, support your country, raise your children and at the end of those years, you will receive your benefits, even if you pass away, 17 percent of the individuals that are receiving these benefits are young people that are receiving survivor benefits. And so this is not a gray and silver hair, this is not a silver hair-blue hair issue. This is an American issue.

Ms. WASSERMAN SCHULTZ. To add insult to injury, if we are going to spend time talking about private accounts and that really seems to be the way the President has shaped this debate, that is the issue around which the President has shaped this debate, what is unbelievable is that private accounts by anyone's admission do not even solve the problem. Private accounts do not shore up Social Security, they do not improve its solvency, they do not solve the 2042 problem. They just create private accounts and privatize Social Security and pull the rug out from under people's future retirement security. That is all they do.

Just so that we can stick to the facts and not hyperbole, I will highlight the gentleman from New York (Mr. RANGEL), our ranking member on Ways and Means. The other day, he spoke to Mr. Walker and asked him about private accounts and his opinion. Mr. Walker, the Comptroller, said that as a carveout, and this was in front of the House Committee on Ways and Means, personal accounts financed with payroll taxes could worsen the program's financial stability. He said if it was designed as a supplement to traditional benefits, as an add-on, that personal accounts would not cause a problem. And, essentially, the gentleman from Michigan (Mr. LEVIN) said, well, what the President proposed was a carveout. That is clearly not acceptable under the Comptroller General's concept.

By the President's own experts' admission, Social Security is not in crisis, Social Security is solvent until at least 2042; and then what is unfortunate is the hyperbole, because our colleague from North Carolina, who was spending some time on the floor a little while ago talking about their view, his view, on Social Security referred to the solvency issue and said that out in 2042 that Social Security would be flat busted, I think was the term he used while I was listening to his debate. That is absolutely incorrect. Flat busted. My definition of flat busted means no money, gone, cannot provide any benefits at all. Then he, a few minutes later, said, well, it would provide 60 to 70 percent of benefits.

The reality is that the factual numbers from the Social Security Administration itself, from the trustees who manage the Social Security trust fund, they say that at the earliest in 2042, Social Security would pay 80 percent of benefits if we do nothing, which you and I and others continue and the leader and the whip and the chairman of the caucus continue to stress, we are not suggesting that we do nothing. We are suggesting that if we are going to focus on this problem, that we call it a problem and not a crisis, couch it the way it is, and let us come together in a bipartisan fashion and sit down and hash out solutions.

Our point is why spend time wringing our hands, gnashing our teeth, and stressing out our constituents who are really concerned about whether or not Social Security is going to be there for them talking about privatizing Social Security which is the vast majority of what we are spending our time talking about when it does not even solve the problem. That is the bottom line.

When I had my town hall meetings, Democrats have held more than 300 town hall meetings, like the gentleman said, more than 80 percent of our colleagues in the caucus have had town hall meetings, there have literally been more than 300 of those. At so many of those, senior citizens, our wonderful senior citizens who literally we all stand on their shoulders today, you and I especially, our generation has been able to achieve what we have been able to achieve by standing on their shoulders.

People ask, why do seniors care about this issue? The President has said, people 55 and over are not going to have to worry about it. They care because they care about their grandchildren. They also care because they have a healthy dose of skepticism. What they lived through in their lifetimes has taught them not to take everything at face value. And they understand that when you have such a gargantuan, mammoth change to a system as large as Social Security, there is no way that you can trust that people who are 55 and older will not have to worry.

They also understand that they need to be concerned about their children and their grandchildren. That same AP story that the gentleman quoted a little while ago focused on the President and what he has said about this issue. The President commented on people 55 and older. At the same time he was saying they would not need to be concerned about his plan, he also said grandmothers and grandfathers need to be worried about their grandchildren when it comes to Social Security. So at least the President acknowledges that people 55 and older have a legitimate reason to be concerned about this. We have got to make sure that we continue to disseminate the facts and not engage in the hyperbole that the Republicans have been.

Mr. MEEK of Florida. I can tell the gentlewoman, I was here in the 108th Congress. I know some of the things that have been said not only on this floor but also some of the information we have received from the administration, I think the American people have witnessed this information, too, for it to not be accurate, especially when it comes down to numbers.

There are Members of the other body of this Congress, the other Chamber, they are concerned. They are not willing to take a gamble. They are not willing to throw the dice. It is not a crap game. This is Social Security. I want to be able to share not only with the Members but the people here in this Chamber that the rules that are set out by this House, Democrats, we are in the minority. We do not agenda the meetings, we cannot agenda the meetings, we cannot bring bills to the floor because we are not in control of the Rules Committee. The gentleman from New York (Mr. RANGEL), our ranking member on Ways and Means,

cannot call a Ways and Means Committee hearing to question the administration on the philosophy of privatization of Social Security since there is no plan.

So I want to make sure that people understand, because there is desperation on the other side of the aisle for those that are participating with the administration in this game of a crisis of Social Security. And when you are in crisis, you start saying things that will sensationalize the situation. And the inaccurate information that is out there, and I am not using the generalization of saying the Republican Caucus, because there are some good Republicans. They are standing there. They are standing by their constituents. They are saying, no, this is not clear, I don't see how this benefits my constituents, young or old. With all due respect to the President, I am not saying that he is giving us wrong information; I am saying he is giving us inaccurate information.

□ 1800

It is what you say. When you say words like ''bankrupt,'' that means no money. That means it is done.

Listen, if the gentlewoman and I were the only Americans paying into the Social Security system, it would not be bankrupt. So I am just trying to break it down, because the President came in here and said, if you are over 55, you do not need to worry.

Now, I am going to tell you, we are one America, and I do not know of any parent, and I am so glad that my mother and my father, God bless his soul, he has passed on now, they did not say, ''I am okay, son. You need to fend for yourself. I have mine, you get yours.'' That is not the American way.

We will come to this Floor until the microphones no longer work as not only Democrats but some Republicans that are willing to stand up against this crisis philosophy that is wrong; 47 years of benefits not being cut, and even after 47 years, 80 percent of the benefits will be honored. So I commend them.

I want to say to the gentlewoman that our leader, the gentlewoman from California (Ms. PELOSI), the Democratic Leader has been on the road. She is speaking to young people. She is speaking to students at the universities, talking about Social Security and why it is important and what we want to do and how we want to work with the majority side.

I will tell you, when we work together, good things happen. I have been here. I have witnessed good things happening when people sit at the table. But it is very rare, I must add. And if given the opportunity to lead this House in the majority, our leadership will provide the right formula or will write the right prescription, if I could say that, to make sure that we work in a bipartisan way.

We have some e-mails we have to read from last week. Also, I want to be able to share, the 30-something online town hall meeting will be tomorrow at noon. You can go to the 30-something website to find out the details. Democratic.leader.house.gov/30something. That is Democratic.leader.house.gov/30something. That is the site.

At our website, you can also check out the Social Security time line that I shared with you. I want to make sure the Members have this information, Democrat or Republican, I want them to have it, because I want to be able to make sure that the facts are out there. Everything that we share here, it is not fiction. It is not Star Trek. It is actually factual.

You will see the President's Social Security time line, of how long the majority side has been talking about private accounts, and this is one I guess of value or something, talking points on young people and Social Security. Also linked to the web page of the gentlewoman from California (Ms. PELOSI) Social Security and young people are clips from the past 30-something hours.

We want to give people information, and we are so glad we are interactive, because we are hearing from people.

I also would say, again, that is tomorrow at noon, the 30-something town hall meeting. We will be online to answer your questions, and the site is Democratic.leader.house.gov/30something.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, I want to get to some of the e-mails we received since the last hour. I want to highlight an e-mail we got from a young woman, someone who just passed 30-something, she just turned 40, so she is just outside of our generational span here, but she said this about privatization and private accounts: ''I am very uncomfortable with the idea of using private accounts for Social Security. My mutual fund lost half of its value and, at the rate it is earning, will take another 5 to 8 years to get to the rate of my deposit. My stocks, bonds and annuities lost, but not as big, but they haven't really earned in about 5 years. My IRAs earned at about 3 percent. Everyone else I know, from my retired father to my peers to my kids who have mutual funds in their names for college funds, have been burned by the private financial sector. In addition, I know people whose employers have defaulted on pension plans.''

This is the type of risk that we would be subjecting people's retirement security to if we transition to private accounts. That is what people are afraid of.

There is not so much confidence in investing in the stock market. When I had my town hall meetings, and I had three of them, I asked people to raise their hands, and I had more than 200 at two of mine, and 500 or more at all three combined, and I asked people at each town hall meeting for a show of hands, how many of them would feel comfortable in their own ability to make investment decisions or their children's or grandchildren's ability to make investment decisions to ensure that they would have as much money as Social Security would provide for them when they got to their retirement. And literally, at my first town hall meeting, three people raised their hand; at my second town hall meeting, two people raised their hand; and no one raised their hand at the third one.

People do not want to throw their retirement security to the wind. They do not want to subject it to the whims of the stock market. Social Security is not supposed to be a gamble, like investment in the stock market is. You go in with your eyes open when you invest in the stock market. You know you may lose your money.

That is not what Social Security was designed to do. Social Security was designed to provide you with security, not designed to stress you out for the rest of your life and have you pray on your knees every night that you made the right decision and your money is going to be there for you when you retire.

Twenty percent of women who are single and retired and collecting Social Security have Social Security as their only source of income. That number is only going to go up because, as we all know, given our age, our generation has not been the generation of savers. Our generation has not squirreled money away under the mattress or in savings accounts. They do not have a significant nest egg.

The President is trying to say that this could be their nest egg. The only trick is, if you move to private accounts, he does not really talk too much in his town hall meetings about how there is going to be a commensurate cut in Social Security benefits. You do not get both under his plan.

Mr. MEEK of Florida. Mr. Speaker, under his philosophy.

Ms. WASSERMAN SCHULTZ. His outline.

Mr. MEEK of Florida. Because there is no plan. I am sorry.

Ms. WASSERMAN SCHULTZ. That is okay. I thank the gentleman. He is right, I was giving him too much credit. You do not get both. You get at least a 46 percent cut in your benefits in the Social Security benefits that you would have gotten if you move to a private account.

I want to give some information to our younger peers about what it would mean. Risky private accounts do not make up for the 46 percent cut in benefits that President Bush has proposed. A 20-year-old who enters the workforce this year would lose about $152,000 over their working lifetime in Social Security benefits under the Bush plan.

Social Security provides disability insurance, which we have not talked too much about yet. I had a man who suffers from MS come to one of my town hall meetings. He could barely speak because it has affected his voice.

He can no longer work. He collects Social Security. We need to remind people of people who are survivors, who are collecting survivors benefits, their families, people on disability.

Mr. MEEK of Florida. Explain survivor benefits, if you will, to make sure everyone understands.

Ms. WASSERMAN SCHULTZ. Absolutely. A third of Social Security goes to people who are survivors of Social Security recipients. The Social Security recipient in their family has passed on. That person's dependents who remain alive collect that person's Social Security benefits.

There are young children and widows who are sustained through their life, who are able to remain in their house, who are able to send their children to school and leave the legacy that their deceased parent would have wanted for them, because Social Security is in place.

If you shift to private accounts, the President's outline does not help people on disability or survivors or their families because they cannot work, because they do not have a way to invest in private accounts, because they do not collect a salary. So we are going to essentially leave them out in the cold.

For a worker in her mid–20s with a spouse and two children, and there are millions of families like that across this country, Social Security provides the equivalent of a $350,000 disability insurance policy. Most people that I know cannot afford to go out and buy one of those on the private market. That is the type of thing that Social Security provides.

Suppose, God forbid, a young parent dies suddenly. Social Security provides for the children who are left behind. The survivors benefits will replace as much as 80 percent of the earnings for a 25-year-old average wage worker who dies leaving two young children and a spouse. For that parent, Social Security survivors benefits are the equivalent to a $403,000 life insurance policy.

That is what Social Security means to real people who suffer through these unexpected tragedies every single day.

We need to fix Social Security. We acknowledge that there are problems. We do not think that we should get to 2042 and have there only be 80 percent benefits paid. We believe in shoring up Social Security, but we believe in doing it responsibly, and we are not going to come to the table and negotiate on a risky privatization plan which does not solve the problem, which adds to our national debt, makes us more reliant on foreign nations and their economic decisions and leaves the future of our generation twisting in the wind, hoping that they will have benefits that would probably go away if this is the direction we are going in.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I thank the gentlewoman. The more we can talk about Social Security and what is being presently given to Americans, like survivor and disability benefits, I am glad that the gentlewoman really talked about that, because a 20-year-old, it is a three out of ten chance they have of dying or becoming disabled before retirement age. That is important. That is why I say this is an American issue, Mr. Speaker, and not just a small issue.

I have an issue of dealing with one generation or another. We will not pit generations against each other, not on this Floor. The reason this bill has not come to the Floor yet or a plan has not been placed on the table yet or Members are not falling over each other on the majority side saying ''let's do something, let's do something,'' is because if they bring a privatization account to this floor or to the other body, that I believe many of them will be making a career decision, because I believe the American people will say, I do not believe because the President and some Members of the majority side said we have to do this because the ball is rolling, because we started the ball rolling by saying that Social Security is going to come to an end tomorrow, we have to finish rolling the ball.

Well, let me tell you, Social Security is not prescription drugs. Social Security is not other plans that the administration has put out there. Social Security is in our communities, in our neighborhoods, a part of our values as a country, a part of family values, knowing that if a parent will pass on, knowing their children will not be left with nothing. They know this, because they have Social Security.

I want to just commend some of the groups, and I want the Members to know, that are in the fight of sharing good information out there with the American people. I want to thank the Center for American Progress. I want to also thank the NEA; A. Phillip Randolph Institute; the Alliance of Retired Americans; the American Association of University Women; also the African American Episcopal Church; also the American Baptist Churches of USA; the AFL–CIO; the Association of Community Organizations for Reform Now. We want to thank the Campaign for American's Future; also The Center For Budget and Policy Priorities; the Center For Economic Policy and Research; the Children's Defense Fund; the Coalition of Black Trade Unions; the Coalition of Human Needs; College Democrats of America; Congressional Black Caucus Foundation; Consortium of Citizens with Disabilities; the Economic Policy Institute; the Labor Council for Latin American Advancement; also the League of Rural Voters; The League of United Latin American Citizens; and The Links, Inc. Also, we would like to thank the NAACP and several other organizations.

We also need to point out the great job that Rock the Vote is doing. They are out there sharing good information.

□ 1815

They have a Web site, www.rockthevote.com; and I think it is important that Americans spend time, and I want to commend those groups, those that were mentioned and those that were not mentioned, for the hard work that they are doing out there in holding up the flag and making sure that people understand exactly what is at stake here, making sure that they are out there. They may not be, I say to the gentlewoman, they may not be on the evening news; they may not be at the top of the hour on any of these cable networks that are out there, but they are out there. And they are making sure that we hold this Congress honest in saying that, no, you will not give us the one-two step, you will not fake right, go left, you will not do that.

So that is the reason why we do not have a bill. That is the reason why the President has not put forth a plan, because the American people are so educated on this issue and will continue to be educated on this issue.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to remain true to my gender, and I have done this every week since I have been participating in the 30-something group. I have an 18-month-old who I want to take to Mommy and Me in the morning, so I am going to go home in a minute and catch my flight so I can do that.

The reason that I am saying that is that I am one of three women younger than 40 in the Congress, out of 435 Members. There are a unique set of issues that women face when compared to men. The privatization outline that the President has suggested really puts women in a dire situation. For example, in 2003, the average monthly Social Security benefit for a woman was only $798, which is $241 less than the average man's monthly retirement. Women's earnings were 76 percent relative to men in 2003, which is down from 77 percent in 2002.

Women who reach retirement age live on average at least 3 years longer than men, so this is going to be their problem 3 years longer than men. Social Security is the only source of retirement income for one in three unmarried, retired women. Without Social Security, 52 percent of white women, 65 percent of African American women, and 61 percent of Hispanic women would live in poverty upon retirement. It provides more than half of the total income for widows and single women.

We have got to make sure that Social Security provides for all of us. We have got to make sure that we get the facts out as it relates to this problem. Not crisis, but problem. And we in the 30-something group, the members of our generation are going to continue to help educate, as we go around the country on the campus tours that we are planning, as we work with Rock the Vote and the myriad of organizations that the gentleman has detailed. The Older Women's League also is on that list in being in opposition to the President's outline.

It is our responsibility to ensure that when the baton is handed to our generation, that we commit to carrying it forth and run up those stairs like they do in the Olympics and light the torch so that we can make sure that we preserve the safety net that was created back in 1935.

It is always a pleasure to be here with the gentleman, and I look forward to continuing our fact-disseminating mission.

Mr. MEEK of Florida. Mr. Speaker, I know that we are wearing something similar here. Can the gentlewoman tell us a little bit about what we are promoting here?

Ms. WASSERMAN SCHULTZ. Absolutely. The Speaker is also wearing the tie. During this week, the Lifetime Network has promoted the issue of violence against women and highlighted the issue of violence against women on their Web site and on their network. We have all been wearing and have been asked to wear this tie and scarf to highlight domestic violence and the tragedy of domestic violence so that we can make sure that we can fight domestic violence in every corner of this country.

So I am pleased that the men and women of the Congress on both sides of the aisle have been committed to this and we are standing in solidarity with the women who have been victims of domestic violence.

Mr. MEEK of Florida. Mr. Speaker, that is so very, very important; and I thank the gentlewoman for explaining what we are doing. Some Members that were sick this week might have thought we have a new uniform or something, that we all have to wear the same colors.

Mr. Speaker, I want to not only thank the Members for listening to our 30-something hour; but we also want to share in closing, especially here on the Democratic side, that we want to strengthen Social Security without slashing benefits that Americans have earned. Private accounts make the Social Security challenge worse. They force massive benefit cuts and increase the national debt. Once the President stops insisting on privatization accounts, we can work together on making sure that we keep the promise to Social Security recipients and future recipients.

I also want to add that Social Security is an American success story that safeguards Americans' independence and economic security when they get older. Also, Social Security faces a long-term challenge, but not a crisis. A challenge, but not a crisis. I want to make sure that I put emphasis on that. Americans have earned their Social Security benefits, and it would violate their trust and penalize Americans who have paid into Social Security all of their lives to go to private accounts. Here on this side of the aisle, Democrats will preserve the Social Security promise that we made long ago.

Mr. Speaker, I also want to once again, before I close, commend not only my colleagues in Florida on the other side of the aisle who are not with the philosophy of some Members of the majority and the President as it relates to this Social Security scheme of privatization. I want to commend all of my Democratic colleagues for standing in solidarity in making sure that Social Security is promised for future generations and the present generation.

Mr. Speaker, it is always an honor to come to the floor and address the Members of this House.

OWNERSHIP INSPIRES A VITAL AMERICAN ECONOMY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, one of the hallmarks of our vibrant and growing economy is our continuing quest to give Americans more opportunities to become part of our ownership society. I am going to respond to some of the things that have been said by my colleagues on the other side of the aisle, but I think it is important to note that opportunity and ownership is what we are about.

We are very proud of the fact that we have lowered barriers so that the rate of homeownership now stands at a record 69 percent; nearly 70 percent of the American people own their own homes. And as a percentage, it is continuing to grow dramatically in the minority community.

We have encouraged personal savings and investment through tax relief so families are better able to plan for their own future; and I will say that the comments of my colleagues who were just before us aside, we are working very hard to bring voluntary, and I underscore the word voluntary, Mr. Speaker, personal retirement accounts to younger workers so that they can better control their own financial destiny. Our past and future success depends on the ability of every person to realize the American Dream of being an owner.

Now, last summer the President had a great statement on this issue of ownership, Mr. Speaker. He said, if you own something, you have a vital stake in the future of our country. The more ownership there is in America, the more vitality there is in America, and the more people have a vital stake in the future of this country. I think the President was right on target with that.

Nowhere is that statement on the issue of ownership and vitality more true than in California's Silicon Valley, where broad-based employee stock options spurred the innovation and ingenuity that led the economic boon that we saw in that technology sector during the 1990s and is still in the process of coming back today. It was in the emerging technology industry that the idea of using employee ownership to attract talented workers flourished.

Small laboratories of ideas with little capital could not afford to pay lucrative salaries to get highly skilled workers. So many of these ideas emerged from basements and garages and, obviously, high salaries were not an option for many of those who were creating new and innovative ideas that improve our quality of life. Instead of lucrative salaries, which they could not offer, instead they used the hope, the hope, not the guarantee, but the hope of success to incentivize smart workers to take risks on new ideas. And with that notion, the high-tech, knowledge-based economy took off.

It took off dramatically. It produced a thriving and innovative economy over the past decade and a half that has generated millions of jobs, dramatically raised our standard of living, and made the United States of America the global leader in technology and service-oriented industries that it is today.

This happened because, as we all know, when you have a stake in the future of an idea, a company, or a home, you are going to work more productively and more creatively to ensure its success.

Now, Mr. Speaker, a good analogy is the mindset of the homeowner. Most of us who own homes recognize the value of taking good care of that investment, our home. If we protect them from damage, maintain their upkeep and improve their appearance, we think we have a good chance of making a profit on that investment. But all of us can admit that when we were renters, when we did not have a stake in maintaining or increasing a property's value, the level of commitment to improve that property was obviously quite low. There was zero motivation for us to do that.

Like the homeowner, Mr. Speaker, the employee-owner wants to see as high a return as possible from his time and effort on the job. That motivates him to contribute more of his sweat equity to the company. That increases the value of the company to him personally, and it increases the value of the company for all shareholders. That tool for creating that risk-taking mentality and giving corporate ownership is the employee stock option.

Today's stock options have allowed 14 million American workers to become corporate owners through broad-based stock option plans. Companies with broad-based plans give stock options to over 50 percent of their employees, many giving an even higher percentage. These owners are not wealthy people. In fact, Mr. Speaker, this is an incredible figure, 79 percent of all U.S. workers who hold stock options earn less than $75,000 a year. Again, I will say that, when we hear stock options as being criticized because they are something that has been abused, and high-paid, million-dollar executives get it, actually the numbers are 79 percent

of stock options are held by Americans who earn less than $75,000 a year. The majority of these owners, 93 percent, to be exact, are lower- and middle-income workers who have converted their labor into financial rewards. It has allowed them to send kids to college, prepare for retirement, and put down payments on their homes.

But the ability of rank-and-file workers to remain a part of our ownership society through stock options is tragically in jeopardy. When the Financial Accounting Standards Board issued its mandatory expensing accounting standard last December, it caused many companies to curtail and, in some cases, eliminate the use of broadbased stock option plans. This is before the standard has taken effect. That means as a result of the Financial Accounting Standard Board's action, a proven ownership tool for millions of Americans and their families will come to an end. That is what is on the horizon. That not only limits opportunities for workers; it is without a doubt going to negatively impact the future of our knowledge-based economy.

The entire basis of our success in the last part of the 20th century rested on individuals taking risks. Those risk-takers have built some of the most innovative job-creating companies in America, and stock options have been the major ingredient for their success. But we do not want to stop there. We obviously want to see that type of entrepreneurial behavior continue into the 21st century. Our economy depends on the ability of future small companies to turn ideas into product or service.

□ 1830

And in so doing, we see the creation of jobs and wealth. We hope they will then grow into bigger companies and create even more jobs and greater prosperity.

It is incredibly ironic that, at the very point in time, when maintaining our global competitive edge is so critically important for us in our future, we are severing the ability of America's innovators to use what has been a key tool for our success. It has been so successful, and this is just incredible, Mr. Speaker, this whole notion has been so successful, that our global competitor, the People's Republic of China, the People's Republic of China, has incorporated stock options into its 5-year economic plan to base its technology industry on.

So why in the world are we doing the this? Why are we taking away an ownership opportunity for skilled workers and their families and hampering our future economic growth? The answer is plain and very obvious. There are those at the Financial Accounting Standards Board, those in the traditional business community and those in the media who simply do not like stock options as a business management tool.

They seized on the aftermath of the Enron scandal and the public's legitimate hunger to curb corporate excess, and it is understandable. We obviously want to end corporate excess and the kind of abuse that we have seen. But they seized on that to stifle the use of broadbased employee stock options through the accounting standards setting process.

Even though stock option expensing never would have prevented the corporate abuse at Enron, nor were broadbased stock option plans involved in that scandal at all.

So in the name of accurate corporate reporting for investors, the Financial Accounting Standards Board stumbled down the paths toward its faulty December-issued standard. But, before I delve into that standard itself, Mr. Speaker, I wanted to address this idea that stock option expensing will curb excess at the top.

Mr. Speaker, many expensing proponents argue that forcing companies to expense will reign in excessive compensation through stock option grants and ensure that CEOs will be unable to manipulate stock options. That argument is false for two reasons: First, we have proof that the Financial Accounting Standards Board accounting standard won't hurt CEOs and senior executives who will be able to figure out how to compensate themselves, but it will, in fact, eliminate a valuable ownership opportunity for rank-and-file workers.

Listen to this sample of a recent press item: Now this was reported just a week or two ago by Reuters, on February 28. They said, and I quote, Pfizer, one of the great innovative companies in this country, obviously, in dealing with the area of health care, Pfizer said in its filing with the Security and Exchange Commission that ''in response to new accounting rules requiring employee stock options to be expensed, it plans in 2005 to reduce the number of options granted, 'except to those of most senior Pfizer management.'''

Now, on February 19, the New York Times reported that the Time Warner Company, one of our great companies in this country, they said in the New York Times piece, that Time Warner ''would no longer grant stock options to most employees, citing new accounting rules, new financial reporting standards which will require companies to treat stock options as expenses, 'make it prohibitively expensive' to continue the practice for all of their employees.''

So the Times also reported research and industry survey data estimates, the estimates that show at least 40 percent of publicly held companies are reconsidering broadbased option plans. And it goes on to say, and I quote, ''and as many as a third may discontinue them in the next few years.'' May discontinue them. A third of them may discontinue them in the next few years.

Second, Mr. Speaker, senior managers who cook the books and abuse stock options are breaking the law. Accounting standards will not stop someone intent on engaging in criminal behavior. Individuals will simply find other ways to achieve his goal.

Now, let us turn to the standard itself. Interestingly, the Financial Accounting Standards Board proclaimed its intention to come up with a mandatory expensing standard, a standard that would ensure accurate corporate reporting and transparent information for investors. Again, I underscore the last, transparent information for investors.

In 2003 testimony before the House Financial Services Subcommittee on Capital Markets, the chairman of the Financial Accounting Standards Board, Bob Herz, stated the Board's intention to improve the financial accounting and reporting of stock options. He specifically noted the need to address, and I quote, ''the noncomparability and, thus, the potential lack of transparency created by the alternative accounting treatments presently available for reporting stock options.''

So Mr. Herz talked about the need for greater transparency. Now, Mr. Speaker, unfortunately for investors, this standard will do everything but. This standard that they promulgated in December, set to take effect in June, will do everything but bring clarity, comparability and accuracy to corporate financial statements. It is, in fact, going to provide investors with misleading information.

The Financial Accounting Standards Board's standard requires companies to make gross assumptions based on highly volatile factors and produce one number that will represent the so-called cost of employee stock options.

We are talking about stock options that have never been exercised by the employee, may never be exercised, and are not tradable in open capital markets where value could be determined. The standard recommends that companies should use either the Black-Scholes or the binomial methods of accounting or an alternative method derived by their experts for calculating the value of the expense.

Now, Mr. Speaker, it is instructive that the inventor of the binomial method stated last year that his method does not work for fixed price employee stock options and should not be used.

Now, Mr. Speaker, the President's former National Economic Council Advisor, Larry Lindsey, led an expert panel in a study of Financial Accounting Standard Board's mandatory expensing standards that they promulgated last December. In its report to the Securities and Exchange Commission last month, the Lindsey panel found that the two valuation models are inherently flawed when used for employee stock options.

And, in fact, in a letter that was sent to the Chairman of the Securities and Exchange Commission, Mr. Donaldson, the Lindsey panel members conclude, and I quote, ''if the rule were to be implemented as is and on the current time line, the quality of information

available to the public regarding employee stock options would be inadequate and potentially misleading.'' And again that is the Lindsey panel report.

And this is the letter that was sent to the Securities and Exchange Commission. They said it would be inadequate and potentially misleading. Those are the regulations that have been promulgated by FASB.

They went on to state that ''the investing public would not be able to compare the impact of stock option plans across companies because the recommended models produce such wide results with different plausible sets of assumptions.''

Now, that is a pretty compelling indictment on what has been put forward, Mr. Speaker. What happened to the FASB's determination to give investors, as I said just a moment ago, accurate, comparable and transparent information?

Let me go back to what Chairman Herz said the Board wanted to address, the noncomparability and thus the potential lack of transparency created by the alternative accounting treatment presently available for reporting stock options. But the Financial Accounting Standards Board is not helping investors with the new expensing standard.

They are actually hurting investors. The new rule set to take effect this June will actually lead to just plain wrong numbers on corporate financial statements. So much for creating transparency for our investors, which is what the FASB Chairman said was the goal. And instead of implementing one method for calculating option expensing, they have perpetuated what they had previously viewed as problematic, alternative accounting treatments.

With this standard, companies will have a choice between two bad valuation models, or be able to pick one all on their own. How can investors compare numbers with companies who choose their own method of calculation? The fallacy of the Financial Accounting Standards Board's expensing standard could not be more transparent.

You do not have to be an accountant to understand that stock options are never a corporate expense. They are a right given to employees to, at some point down the road, buy shares of the company's stock at a fixed price at a set period of time. They cost a company absolutely nothing.

As the Lindsey panel noted, it disagrees with the premise that employee stock options, and I quote from the Lindsey panel report, are ''a net cost to the firm and that this cost can be measured precisely and reliably.''

So they point to the fact that it is not a net cost to the firm, and it is also specious to believe that they can be measured precisely and reliably.

But, Mr. Speaker, I will acknowledge stock options do dilute the value of shared held by existing shareholders of a company. So while there is no cost to the company, there is in fact a cost to the shareholder in the form of what is called share dilution.

That said, it is clear to me that there are problems with how stock options are reported in financial statements today. Let my say that again. I do believe that, today, we do have problems in the way that stock options are actually reported. That said, it is clear that there are problems of how they are reported in those financial statements.

Investors really do need accurate, comparable and meaningful information about how those broadbased plans affect the companies. Expensing provides none of this information. By contrast, uniform disclosure requirements would be what we need to actually help the shareholders. It is critically important that we do share that goal with Mr. Hertz, but his plan is not the way to deal with the issue of transparency.

We believe that we have a better solution. That is why we must stand on the side of investors and implement rules that will give meaningful information and make it public. The Lindsey report supports mandating increased disclosures. And, Mr. Speaker, that is exactly what this House has gone on record doing.

My distinguished colleague, the gentlelady from California (Ms. ESHOO) from the other side of the aisle and other Democrats have introduced supporting legislation.

Mr. Speaker, the gentlewoman from California (Ms. ESHOO) and many of our colleagues have introduced last month a strongly bipartisan bill which would require that the Securities and Exchange Commission implement uniform disclosures so that we can get at that issue of transparency.

Specifically in our bill, Mr. Speaker, at a minimum, companies would have to include in their footnotes a plain English discussion of share value dilution. They would have to expand disclosure of the dilutive effect of options on the company's earnings per share number. And all stock information would have to be placed prominently in a way that allows investors to easily compare information among different companies.

Finally, to ensure that stock options for executives are transparent, companies would have to provide a summary of stock options granted to the top five most highly compensated executives in that company.

This is the kind of information that will help investors clearly understand the impact of employee stock options on share value. On the completely opposite side is the Financial Accounting Standards Boards actions, which will actually do harm. Not only will it result in misleading expensing numbers, it will remove the current disclosures used by companies that do offer broadbased stock option plans.

So the useful information we currently see in financial statements will disappear after this standard takes effect. Literally, investors will have nothing to go on but a flawed and unreliable number mandated by our Nation's accounting standards board. That is indeed disturbing for those who care about the integrity of our financial markets.

Although this change in accounting treatment may be arcane to many in the real world, the new rule will hurt the risk takers who are creating jobs and wealth in this country and improving the standard of living and quality of life for so many people with creative, innovative ideas.

□ 1845

It will hit particularly hard the small businesses, skilled workers, and entrepreneurs who form the backbone of America's infrastructure. No matter what high-growth sector of the economy you look at, you will find that the common thread to its success has been employee stock options. Without that motivating incentive, would-be entrepreneurs and existing innovative companies will be less likely to take risks and transform new ideas into industry.

Now, I and many of my colleagues, as I said, have co-sponsored our bill, H.R. 913; and we believe that we need to stand on the side of investors and the partners and the workers in our Nation's ownership society. FASB, the Financial Accounting Standards Board, has issued its mandatory expensing rule. That part is done. But the SEC and the administration have an opportunity to finally provide investors with improved information and at the same time prevent the FASB from killing off stock options for rank-and-file workers.

Mr. Speaker, I sincerely hope that the Securities and Exchange Commission will pay heed to our concerns when they provide guidance on the FASB rule later this month. They need to listen to the 312 House Members of the 108th Congress who supported legislation that we worked on with our colleagues, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) from the Committee on Financial Services. We were able to reach, working together, a legislative compromise that again enjoyed Democrat and Republican support; 312 Members of that bill effectively addressed concerns about executive compensation and protected rank-and-file corporate ownership.

Mr. Speaker, preserving broad-based plans and enhancing stock option disclosures are key to continuing the pro-growth, pro-ownership society and economy that Congress and this administration have worked so diligently to achieve.

Mr. Speaker, I call on the Securities and Exchange Commission to take action to prevent the Financial Accounting Standards Board's misguided standards from harming workers and investors. America's 21st century expansion and growth that we are all pursuing and encouraging so vigorously, we

should realize that it will hinge in large part on this decision that will be made. So I hope very much that they make the correct decision so that we can continue to see our economy thrive.

APPOINTMENT OF MEMBERS TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. DENT). Pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. REGULA of Ohio,
Mr. SAM JOHNSON of Texas,
Mr. BECERRA of California.

SPECIAL ORDERS GRANTED

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

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

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

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

Mrs. BIGGERT, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mrs. MUSGRAVE, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, March 15.

Mr. DUNCAN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 14.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, March 14, 2005, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

Doris O. Matsui
California 5th

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. ''Randy'' Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross,

Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Allyson Y. Schwartz, John J. H. ''Joe'' Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José; E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2004 and the fourth quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KEVIN FROMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 11 AND APR. 20, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kevin Fromer	4/11	4/13	Spain		465.00						465.00
	4/14	4/16	Italy		462.00						462.00
	4/17	4/19	Croatia		435.00						435.00
	4/19	4/20	Ireland		157.00						157.00
Committee total					1,519.00						1,519.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KEVIN FROMER, Jan. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MARK ANDERSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 22 AND NOV. 27, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mark Anderson	11/22	11/27	Czech Rep.		1,530.00		4,250.00				5,780.00
Committee total					1,530.00		4,250.00				5,780.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK ANDERSON, Dec. 15, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. APRIL FOSTER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 7, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
April Foster	12/1	12/3	Germany		686.00						686.00
	12/3	12/5	Poland		566.00						566.00
	12/5	12/7	Italy		874.00						874.00
							2020.80				2020.80
Committee total					2,126.00		2,020.80				4146.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

APRIL FOSTER, Jan. 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTEN COLE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 3 AND DEC. 12, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristen Cole	12/03	12/12	Ethiopia		591.00		7,300.00		1,070.00		8,961.00
Committee total					591.00		7,300.00		1,070.00		8,961.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTY COLE, Dec. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig	7/1	8/1	Austria		8,533.00						8,553.00
Chadwick Gore		7/13	USA				4,544.00				4,544.00
	7/14	7/17	Austria		790.00						790.00
Janice Helwig		7/25	Austria				957.00				957.00
	7/25	7/27	Albania		387.00						387.00
Janice Helwig		8/13	USA				4,557.00				4,557.00
	8/14	9/30	Austria		12,561.00						12,561.00
Elizabeth Pryor		9/5	USA				4,537.00				4,537.00
	9/6	9/10	Austria		1,020.00						1,020.00
Janice Helwig		9/12	Austria				546.00				546.00
	9/12	9/15	Belgium		924.00						924.00
Knox Thames		9/11	USA				5,701.00				5,701.00
	9/12	9/17		1,797.00							1,797.00
Janice Helwig		9/22	Austria				1,251.00				1,251.00
	9/22	9/25	Finland		885.00						885.00
Maureen Walsh		9/22	USA				5,678.00				5,678.00
	9/23	9/25	Finland		578.00						578.00
	9/25	10/2	Greece		1,247.00						1,247.00
Chadwick Gore		9/27	USA				5,633.00				5,633.00
	9/28	10/3	Greece		1,163.00						1,163.00
Committee total					29,905		33,404				63,309

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Nov. 1, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Pryor		9/28	USA				5,567.00				5,567.00
	9/29	10/1	Switzerland		534.00						534.000
	10/1	10/3	France		318.00						318.00
	10/1	10/3	France		318.00						318.00
	10/3	10/7	Poland		844,00						844,00
Janice Helwig	10/1	12/20	Austria		19,957.00						19,957.00
Erika Schlager		10/2	USA				4.867.00				4.867.00
	10/3	10/16	Poland		3,043.00						3,043.00
Michael Ochs		10/12	USA				4,625.00				4,625.00
	10/3	10/10	Poland		1,532.00						1,532.00
Janice Helwig		10/3	Austria				1,197.00				1,197.00
	10/3	10/16	Poland		2,973.00						2,973.00
Dorothy Douglas Traft		10/3	USA				4,739.00				4,739.00
	10/4	10/9	Poland		1,200.00						1,200.00
Ronald J. McNamara		10/10	USA				5,685.00				5,685.00
	10/11	10/14	Poland		831.00						831.00
	10/14	10/19	Belarus		886.00						886.00
Orest Deychakiwsky		10/14	USA				5,685.00				5,685.00
	10/15	10/19	Belarus		700.00						700.00
H. Knox Thames		11/3	USA				5,903.00				5,903.00
	11/4	11/6	Austria		510.00						510.00
Janice Helwig		11/4	Austria				780.00				780.00
	11/4	11/6	Croatia		436.00						436.00
Marlene Kaufmann		11/6	USA				6,114.00				6,114.00
	11/07	11/10	Italy		788.00						788.00
	11/10	11/14	Bulgaria		779.00						779.00
	11/14	11/17	Romania		684.00						684.00
	11/17	11/20	Austria		709.00						709.00
Chadwick Gore		11/14	USA				5,977.00				5,977.00
	11/15	11/21	Egypt		1,100.00						1,100.00
Elizabeth Pryor		11/15	USA				4,795.00				4,795.00
	11/16	11/21	Egypt		863.00		490.00				1,353.00
	11/21	11/22	Austria		389.00						389.00
Ronald J. McNamara		11/17	USA				5,912.00				5,912.00
	11/18	11/23	Ukraine		977.00						977.00
Orest Deychakiwsky		11/17	USA				5,912.00				5,912.00
	11/18	11/23	Ukraine		1,031.00						1,031.00
Michael Ochs		11/17	USA				5,967.00				5,967.00
	11/18	11/22	Ukraine		563.00						563.00
	11/22	11/23	Poland		368.00						368.00
John Finerty		11/17	USA				5,918.00				5,918.00
	11/18	11/22	Ukraine		522.00						522.00
	11/22	11/23	Austria		255.00						255.00
Janice Helwig		12/3	Austria				562.00				562.00
	12/3	12/8	Bulgaria		901.00						901.00
Dorothy Douglas Taft		12/4	USA				1,375.00				1,375.00
	12/5	12/10	Bulgaria		1,137.00						1,137.00
Elizabeth Pryor		12/4	USA				6,101.00				6,101.00
	12/5	12/8	Bulgaria		579.00						579.00
	12/8	12/10	Austria		542.00						542.00
Orest Deychakiwsky		12/23	USA				5,745.00				5,745.00
	12/24	12/28	Ukraine		1,028.00						1,028.00
Committee total					46,979		93,916				140,895

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Jan. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HOUSE NATO PARLIAMENTARY ASSEMBLY MEETING IN ITALY AND GREECE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 7 AND NOV. 17, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Bilirakis	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Paul Gillmor	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. John Tanner	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. David Price	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Vernon Ehlers	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Jo Ann Emerson	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. John Shimkus	11/13	11/16	Italy		1,350.00		(3) 3,400.20				4,750.20
Hon. Ellen Tauscher	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Dennis Moore	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Thomas Tancredo	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. Tom Udall	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Hon. John Boozman	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Mw. Kathy Becker	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Ms. Carol Doherty	11/11	11/16	Italy		2,250.00		(3) 3,325.00				5,575.00
Dr. Paul Gallis	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/17	Italy		2,700.00		2,631.68				6,664.68
Dr. Kay King	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/17	Italy		2,700.00		2,631.00				6,664.68
Dr. Robert King	11/11	11/16	Italy		1,180.00		348.10			1,528.10	
Ms. Carol Lawrence	11/7	11/11	Greece		1,333.00	(3)					
	11/11	11/17	Italy		2,700.00		2,631.68				6,664.68
Mr. John Lis	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/17	Italy		2,700.00		2,631.68				6,664.68
Mr. Vincent Morelli	11/11	11/17	Italy		2,700.00		888.27				3,588.27
Ms. Susan Olson	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/17	Italy		2,700.00		3,222.68				7,255.68
Ms. Marilyn Owen	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00		(3)				3,583.00
Mr. Patrick Prisco	11/11	11/17	Italy		2,700.00		5,240.68				7,940.68
Ms. Christy Stefadouros	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/16	Italy		2,250.00						3,583.00
Mr. Mark Wellman	11/7	11/11	Greece		1,333.00		(3)				
	11/11	11/17	Italy		2,700.00		2,631.68				6,664.68
Mr. Guido Zucconi	11/11	11/17	Italy		2,700.00		5,628.25				8,328.25
Delegation Expenses:											
Representational Functions									11,634.45		11,634.45
Miscellaneous									807.90		807.90
Committee total					87,240.00		35,211.58		12,442.35		134,893.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL BILIRAKIS, Chairman, Dec. 21, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 3, 2004

Name of Member or employee	Date (mm/dd/yy)		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Martha Morrison	11/30	12/03	Luxembourg		1,107.00		6,105.82				7,212.82
Don Kellaher	11/30	12/03	Luxembourg		1,107.00		6,105.82				7,212.82
Committee total					2,214.00		12,211.64				14,425.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, Dec. 6, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, GERMANY, LUXEMBOURG, SICILY, AND CRETE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 19, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Speaker J. Dennis Hastert	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. John D. Dingell	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. Jerry Lewis	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. Sherwood Boehlert	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. Mark E. Souder	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. John Boozman	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. Ander Crenshaw	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Scott Palmer	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Chris Walker	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Kevin Fromer	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Sam Lancaster	12/10	12/11	Turkey		338.00		(3)				338.00
Ms. Kathryn Lehman	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Andrew Shore	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Richard Frandsen	12/10	12/11	Turkey		338.00		(3)				338.00
Ms. Martha Morrison	12/10	12/11	Turkey		338.00		(3)				338.00
Adm. John F. Eisold	12/10	12/11	Turkey		338.00		(3)				338.00
Hon. Wilson Livingood	12/10	12/11	Turkey		338.00		(3)				338.00
Mr. Dwight Comedy	12/10	12/11	Turkey		338.00		(3)				338.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, GERMANY, LUXEMBOURG, SICILY, AND CRETE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 19, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ms. Brenda Becker	12/10	12/11	Turkey		338.00		(3)				338.00
Speaker J. Dennis Hastert	12/11	12/13	Greece		577.23		(3)				577.23
Hon. John D. Dingell	12/11	12/13	Greece		577.23		(3)				577.23
Hon. Jerry Lewis	12/11	12/13	Greece		577.23		(3)				577.23
Hon. Sherwood Boehlert	12/11	12/13	Greece		577.23		(3)				577.23
Hon. Mark E. Souder	12/11	12/13	Greece		577.23		(3)				577.23
Hon. John Boozman	12/11	12/13	Greece		577.23		(3)				577.23
Hon. Ander Crenshaw	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Scott Palmer	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Chris Walker	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Kevin Fromer	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Sam Lancaster	12/11	12/13	Greece		577.23		(3)				577.23
Ms. Kathryn Lehman	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Andrew Shore	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Richard Frandsen	12/11	12/13	Greece		577.23		(3)				577.23
Ms Martha Morrison	12/11	12/13	Greece		577.23		(3)				577.23
Adm. John F. Eisold	12/11	12/13	Greece		577.23		(3)				577.23
Hon. Wilson Livingood	12/11	12/13	Greece		577.23		(3)				577.23
Mr. Dwight Comedy	12/11	12/13	Greece		577.23		(3)				577.23
Ms. Brenda Becker	12/11	12/13	Greece		577.23		(3)				577.23
Speaker J. Dennis Hastert	12/13	12/15	Germany		934		(3)				934
Hon. John D. Dingell	12/13	12/15	Germany		934		(3)				934
Hon. Jerry Lewis	12/13	12/15	Germany		934		(3)				934
Hon. Sherwood Boehlert	12/13	12/15	Germany		934		(3)				934
Hon. Mark E. Souder	12/13	12/15	Germany		934		(3)				934
Hon. John Boozman	12/13	12/15	Germany		934		(3)				934
Hon. Ander Crenshaw	12/13	12/15	Germany		934		(3)				934
Mr. Scott Palmer	12/13	12/15	Germany		934		(3)				934
Mr. Chris Walker	12/13	12/15	Germany		934		(3)				934
Mr. Kevin Fromer	12/13	12/15	Germany		934		(3)				934
Mr. Sam Lancaster	12/13	12/15	Germany		934		(3)				934
Ms. Kathryn Lehman	12/13	12/15	Germany		934		(3)				934
Mr. Andrew Shore	12/13	12/15	Germany		934		(3)				934
Mr. Richard Frandsen	12/13	12/15	Germany		934		(3)				934
Ms. Martha Morrison	12/13	12/15	Germany		934		(3)				934
Adm. John F. Eisold	12/13	12/15	Germany		934		(3)				934
Hon. Wilson Livingood	12/13	12/15	Germany		934		(3)				934
Mr. Dwight Comedy	12/13	12/15	Germany		934		(3)				934
Ms. Brenda Becker	12/13	12/15	Germany		934		(3)				934
Hon. John B. Shadegg	12/13	12/15	Germany		934		3,738.70				4,672.70
Speaker J. Dennis Hastert	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. John D. Dingell	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. Jerry Lewis	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. Sherwood Boehlert	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. Mark E. Souder	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. John Boozman	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Hon. Ander Crenshaw	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Mr. Scott Palmer	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Chris Walker	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Kevin Fromer	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Sam Lancaster	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Ms. Kathryn Lehman	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Andrew Shore	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Richard Frandsen	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Ms. Martha Morrison	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Hon. John Shadegg	12/15	12/17	Luxembourg		1,239.24		(3)				1,239.24
Adm. John F. Eisold	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Hon. Wilson Livingood	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Dwight Comedy	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Ms. Brenda Becker	12/15	12/17	Luxembourg		1,168.52		(3)				1,168.52
Mr. Donald Kellaher	12/13	12/17	Luxembourg		1,405.47		3,103.68				4,509.15
Speaker J. Dennis Hastert	12/17	12/19	Sicily		690		(3)				690
Hon. John D. Dingell	12/17	12/19	Sicily		690		(3)				690
Hon. Jerry Lewis	12/17	12/19	Sicily		690		(3)				690
Hon. Sherwood Boehlert	12/17	12/19	Sicily		690		(3)				690
Hon. Mark E. Souder	12/17	12/19	Sicily		690		(3)				690
Hon. John Boozman	12/17	12/19	Sicily		690		(3)				690
Hon. Ander Crenshaw	12/17	12/19	Sicily		690		(3)				690
Mr. Scott Palmer	12/17	12/19	Sicily		690		(3)				690
Mr. Chris Walker	12/17	12/19	Sicily		690		(3)				690
Mr. Kevin Fromer	12/17	12/19	Sicily		690		(3)				690
Mr. Sam Lancaster	12/17	12/19	Sicily		690		(3)				690
Ms. Kathryn Lehman	12/17	12/19	Sicily		690		(3)				690
Mr. Andrew Shore	12/17	12/19	Sicily		690		(3)				690
Mr. Richard Frandsen	12/17	12/19	Sicily		690		(3)				690
Ms. Martha Morrison	12/17	12/19	Sicily		690		(3)				690
Adm. John F. Eisold	12/17	12/19	Sicily		690		(3)				690
Hon. Wilson Livingood	12/17	12/19	Sicily		690		(3)				690
Mr. Dwight Comedy	12/17	12/19	Sicily		690		(3)				690
Ms. Brenda Becker	12/17	12/19	Sicily		690		(3)				690
Hon. John B. Shadegg	12/17	12/19	Sicily		690		(3)				690
Mr. Don Kellaher	12/17	12/19	Sicily		690		(3)				690
Committee total					75,901.00		6,842.38				82,743.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.

J. DENNIS HASTERT, Chairman, Jan. 10, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Wolf	6/26	6/30*	Sudan		78.00**						78.00
Commercial Airfare							7,742.34				7,742.34
*Orig. 7/1. **Returned $400 in unused per diem											
Christine R. Kojac	6/27	6/30	South Korea		810.00						810.00
	6/30	7/3	China		658.00						658.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial Airfare							6,350.36				6,350.36
Hon. C.W. Bill Young	7/16	7/19	United Kingdom		555.00		(3)				555.00
Hon. Rodney P. Frelinghuysen	7/16	7/19	United Kingdom		555.00		(3)				555.00
Hon. Bud Cramer	7/16	7/19	United Kingdom		555.00		(3)				555.00
Douglas Gregory	7/16	7/19	United Kingdom		555.00		(3)				555.00
David Jolly	7/16	7/19	United Kingdom		555.00		(3)				555.00
Harry Glenn	7/16	7/19	United Kingdom		555.00		(3)				555.00
Carol Murphy	7/24	7/27	Germany		585.00						585.00
	7/27	7/28	Italy		196.00						196.00
	7/28	7/30	Spain		545.00						545.00
Commercial Airfare							4601.92				4601.92
Walter Hearne	7/24	7/27	Germany		585.00						585.00
	7/27	7/28	Italy		196.00						196.00
	7/28	7/30	Spain		545.00						545.00
Commercial Airfare							4601.92				4601.92
Hon. Zach Wamp	7/27	7/29	Tanzania		785.92						785.92
	7/29	8/3	South Africa		1,438.70		(3)				1,438.70
John T. Blazey II	7/25	7/26	Thailand		232.00						232.00
	7/26	7/29	Nepal		714.00						714.00
	7/29	8/1	Bhutan		438.00						438.00
	8/1	8/2	Nepal		238.00						238.00
	8/2	8/3	Thailand		232.00						232.00
	8/3	8/5	Cambodia		566.00						566.00
	8/5	8/7	Vietnam		426.00						426.00
									68.43		68.43
Commercial Airfare							6,495.20				6,495.20
Therese McAuliffe	7/25	7/26	Thailand		232.00						232.00
	7/26	7/29	Nepal		714.00						714.00
	7/29	8/1	Bhutan		438.00						438.00
	8/1	8/2	Nepal		238.00						238.00
	8/2	8/3	Thailand		232.00						232.00
	8/3	8/5	Cambodia		566.00						566.00
	8/5	8/7	Vietnam		426.00						426.00
									68.43		68.43
Commercial Airfare							6,495.20				6,495.20
John Scofield	8/1	8/3	Thailand		464.00						464.00
	8/3	8/5	Cambodia		566.00						566.00
	8/5	8/7	Vietnam		426.00						426.00
									68.43		68.43
Commercial Airfare							5,564.08			5,564.08	
Robert Blair	7/25	7/26	Thailand		232.00						232.00
	7/26	7/29	Nepal		618.00						618.00
	7/29	8/1	Bhutan		438.00						438.00
	8/1	8/2	Nepal		238.00						238.00
	8/2	8/3	Thailand		232.00						232.00
	8/3	8/5	Cambodia		566.00						566.00
	8/5	8/7	Vietnam		426.00						426.00
									68.43		68.43
Commercial Airfare							6,495.20				6,495.20
John T. Blazey II	8/10	8/17	China		1,726.00						1,726.00
	8/17	8/18	Japan		408.00						408.00
Commercial Airfare							6,322.35				6,322.35
Tom Forhan	7/24	7/27	Germany		585.00						585.00
	7/27	7/28	Italy		196.00						196.00
	7/28	7/30	Spain		545.00						545.00
Commercial Airfare							4,601.92				4,601.92
Hon. Marion Berry	8/10	8/12	Jordan		476.00		(3)				476.00
	8/11	8/11	Iraq		0.00						0.00
	8/12	8/13	Germany		203.00						203.00
Jeff Ashford	8/10	8/15	Canada		1,242.00						1,242.00
Commercial Airfare							674.91				674.91
John Shank	8/10	8/12	Guatemala		548.00						548.00
	8/12	8/14	Nicaragua		452.00						452.00
Commercial Airfare							2,873.50				2,873.50
Hon. Charles Taylor	8/8	8/13	Italy		2,436.87						2,436.87
Commercial Airfare							6,313.95				6,313.95
Chester Lee Turner III	8/7	8/14	Italy		3,428.16						3,428.16
Commercial Airfare							5,600.15				5,600.15
Rodney Bent	8/15	8/18	Colombia		836.00						836.00
	8/18	8/22	Ecuador		714.00						714.00
Commercial Airfare							2,481.67				2,481.67
Hon. James P. Moran	8/5	8/7	Korea		652.00		(3)				652.00
	8/7	8/9	China		554.00		(3)				554.00
	8/9	8/10	Hong Kong		379.00		(3)				379.00
	8/10	8/11	Vietnam		193.00		(3)				193.00
	8/12	8/14	Australia		776.00		(3)				776.00
Mark W. Murray	8/10	8/12	Guatemala		548.00						548.00
	8/12	8/14	Nicaragua		452.00						452.00
	8/14	8/18	Colombia		1,100.00						1,100.00
Commercial Airfare							2,897.28				2,897.28
Hon. David L. Hobson	8/24	8/30	France		2,652.00		(3)				2,652.00
							(3)		303.00		303.00
Hon. Jon Murtha	8/24	8/30	France		2,652.00		(3)				2,652.00
									303.00		303.00
Kevin Roper	8/24	8/24	France		392.00						392.00
Commercial Airfare							2,997.54				2,997.54
Hon. David Obey	8/26	8/31	France		442.00		(3)				442.00
David Morrison	8/24	8/30	France		2,652.00		(3)				2,652.00
									303.00		303.00
Michael Stephens	8/24	8/31	France		442.00		(3)				442.00
James W. Dyer	8/3	8/4	Austria		248.00						248.00
	8/4	8/5	Albania		205.00						205.00
	8/5	8/6	Italy		420.00						420.00
	8/6	8/8	Spain		318.00						318.00
Commercial Airfare							7,702.98				7,702.98
Leslie Albright	8/3	8/4	Austria		248.00						248.00
	8/4	8/5	Albania		205.00						205.00
	8/5	8/6	Italy		420.00						420.00
	8/6	8/8	Spain		318.00						318.00
Commercial Airfare							7,758.95				7,758.95
Christine R. Kojac	8/18	8/20	France		1,050.00						1,050.00
	8/20	8/21	Algeria		256.00						256.00
	8/21	8/22	Spain		0.00						0.00
	8/22	8/23	Morocco		882.00						882.00
	8/23	8/24	W. Sahara		0.00						0.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/24	8/26	Morocco		0.00						0.00
	8/26	8/29	Tunisia		450.00						450.00
	8/29	8/31	Libya		692.00						692.00
	8/31	9/1	Malta		251.00						251.00
									129.00		129.00
Commercial Airfare							9,524.99				9,524.99
Jennifer Miller	8/18	8/20	France		1,050.00						1,050.00
	8/20	8/21	Algeria		256.00						256.00
	8/21	8/22	Spain		0.00						0.00
	8/22	8/23	Morocco		882.00						882.00
	8/23	8/24	W. Sahara		0.00						0.00
	8/24	8/26	Morocco		0.00						0.00
	8/26	8/29	Tunisia		450.00						450.00
	8/29	8/31	Libya		692.00						692.00
	8/31	9/1	Malta		251.00						251.00
									129.00		129.00
Commercial Airfare							9,524.99				9,524.99
Sarah Young	8/21	8/25	Germany		1,000.00						1,000.00
	8/25	8/29	Italy		1,000.00						1,000.00
	8/30	9/1	Spain		1,000.00						1,000.00
Commercial Airfare							5,796.93				5,796.93
Train							40.00				40.00
Robert Blair	8/21	8/26	Sudan		1,340.00						1,340.00
	8/26	8/26	Kenya		135.00						135.00
	8/27	9/1	Chad		769.00						769.00
									138.00		138.00
Commercial Airfare							8,973.72				8,973.72
Hon. Jim Kolbe	9/16	9/19	Sudan		912.00						912.00
	9/19	9/21	Egypt		434.00						434.00
Commercial Airfare							7,748.27				7,748.27
Hon. Jessie Jackson, Jr.	9/16	9/19	Sudan		912.00						912.00
	9/19	9/21	Egypt		434.00						434.00
Commercial Airfare							7,748.27				7,748.27
Robert Blair	9/16	9/19	Sudan		912.00						912.00
	9/19	9/21	Egypt		434.00						434.00
Commercial Airfare							7,748.27				7,748.27
John Shank	9/18	9/21	Egypt		650.00						650.00
Commercial Airfare							5,929.27				5,929.27
Hon. Ernest J. Istook, Jr.	9/24	9/27	Jordan		714.00		(3)				714.00
	9/27	9/28	France		176.00		(3)				176.00
Committee total					67,698.65		161,606.13		1,578.72		230,883.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.

C.W. BILL YOUNG, Chairman, Oct. 26, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, OFFICE OF SURVEYS AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jack G. Downing	9/1	9/5	China		850.50		7,766.42		431.82		9,048.74
	9/5	9/7	China		658.00						658.00
	9/7	9/9	Thailand		318.50						318.50
	9/9	9/10	Thailand		169.50						169.50
	9/11	9/11	Japan		140.50						140.50
Steve Nixon	9/1	9/5	China		850.50		7,766.42		278.62		8,895.54
	9/5	9/7	China		658.00						658.00
	9/7	9/9	Thailand		318.50						318.50
	9/9	9/10	Thailand		169.50						169.50
	9/11	9/11	Japan		210.75						210.75
Charles J. Semich	9/1	9/5	China		850.50		7,766.42		293.70		8,910.62
	9/5	9/7	China		658.00						658.00
	9/7	9/9	Thailand		318.50						318.50
	9/9	9/10	Thailand		169.50						169.50
	9/11	9/11	Japan		210.75						210.75
L. Michael Welch	9/1	9/5	China		850.50		6,581.75		227.53		7,659.78
	9/5	9/7	China		740.25						740.25
Committee total					8,142.25		29,881.01		1,231.67		39,254.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Osborne	09/23	09/28	Iraq, Jordan & France		890.00		(3)		NA		890.00
Committee total					890.00						890.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN A. BOEHNER, Chairman, Nov. 23, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jennifer Dunn	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Hon. Frank Lucas	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Hon. Carolyn McCarthy	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Tom DiLenge	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Deron McElroy	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Julie Sund	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Carla Buckner	8/3	8/6	London, United Kingdom		1,828.00		(3)				3,975.00
	8/6	8/7	Belfast, United Kingdom		746.00		(3)				
	8/7	8/9	Ireland		1,401.00		(3)				
Committee total					27,825.00						27,825.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER COX, Chairman, Nov. 1, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rich Beutel	07/24	08/01	China				7,221.00	(3) 460.00	1,756.00		8,977.00
Tom Bezas	07/24	08/01	China				6,676.00	(3) 217.00	2,382.00		9,058.00
Phil Eskeland	07/24	08/01	China				7,221.00	(3) 605.00	1,585.00		8,806.00
Bradley Knox	07/24	08/01	China				7,221.00	(3) 617.00	1,496.00		8,717.00
Tom Loo	07/24	08/01	China				7,221.00	(3) 475.00	1,834.00		9,055.00
Matthew Szymanski	07/24	08/01	China				7,221.00	(3) 460.00	1,717.00		8,938.00
W. Patrick Wilson	07/24	08/01	China				7,221.00	(3) 497.00	1,746.00		8,967.00
Committee total							50,002.00	3,331.00	12,516.00		62,538.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned.

DONALD A. MANZULLO, Chairman, Jan. 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ed Case	11/29	12/9	Hong Kong		1,137.00		(3)				1,137.00
Committee total					1,137.00						1,137.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Jan. 26, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John E. Sweeney	10/18	10/19	Jordan		259.10		(3)				259.10
	10/19	10/19	Iraq				(3)				
	10/19	10/20	Jordan		360.00		(3)				360.00
	10/20	10/21	France		238.00		(3)				238.00
Rodney Bent	10/24	10/28	Jordan		752.00						752.00
							[4] 6,975.00				6,975.00
Elizabeth Dawson	10/22	10/26	United Kingdom		1,828.00						1,828.00
	10/26	10/28	The Netherlands		774.00						774.00
	10/28	10/31	Belgium		1,131.00						1,131.00
							[5] 6,450.99				6,450.99
Chester Lee Turner III	10/22	10/26	United Kingdom		1,828.00						1,828.00
	10/26	10/28	The Netherlands		774.00						774.00
	10/28	10/31	Belgium		1,131.00						1,131.00
							[5] 6,450.99				6,450.99
James W. Dyer	10/26	10/28	Switzerland		866.00						866.00
	10/28	10/29	France		884.00						884.00
							[5] 6,158.37				6,158.37
John Shank	10/26	10/28	Switzerland		866.00						866.00
	10/28	10/29	France		442.00						442.00
							[5] 6,158.37				6,158.37
Loretta Beaumont	10/28	11/01	Mexico		1,150.00						1,150.00
							[4] 1,138.63				1,138.63

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Beverly Aimaro Pheto	11/07	11/09	United Kingdom		914.00						914.00
	11/09	11/11	Italy		864.00						864.00
	11/11	11/12	Poland		333.00						333.00
	11/12	11/12	Netherland								
	11/12	11/13	Ireland		327.00						327.00
							[4] 6,225.37				6,225.37
Leslie Albright	11/8	11/10	United Kingdom		507.00						507.00
	11/11	11/14	Morocco		263.00						263.00
							[4] 8,165.73				8,165.73
Sarah Young	10/19	10/20	Italy		487.00						487.00
	10/20	10/24	Egypt		1,025.00						1,025.00
	10/24	10/28	Kenya		1,231.00						1,231.00
							[4] 6,811.00				6,811.00
Dale Oak	10/19	10/20	Italy		487.00						487.00
	10/20	10/24	Egypt		1,025.00						1,025.00
	10/24	10/28	Kenya		1,231.00						1,231.00
							[4] 6,811.00				6,811.00
Richard E. Efford	11/06	11/10	Austria		1,356.00						1,356.00
							[4] 5,916.21				5,916.21
John Blazey II	11/06	11/10	Austria		1,356.00						1,356.00
											5,961.21
Leigha Shaw	11/06	11/10	Austria		1,356.00						1,356.00
							[4] 5,916.21				5,916.21
Paul Terry	11/18	11/23	Korea		1,308.00						1,308.00
							[4] 4,303.85				4,303.85
Hon. David Hobson	11/23	11/25	Austria		979.00		(3)				979.00
	11/25	11/25	Kosovo		(3)						
	11/25	11/27	Austria		1,468.50		(3)				1,468.50
	11/27	11/27	Greece				(3)				
	11/27	11/28	Austria		489.50		(3)				489.50
Hon. Peter Visclosky	11/23	11/25	Austria		979.00		(3)				979.00
	11/25	11/25	Kosovo				(3)				
	11/25	11/27	Austria		1,468.50		(3)				1,468.50
	11/27	11/27	Greece				(3)				
	11/27	11/28	Austria		489.50		(3)				489.50
Scott Burnison	11/23	11/25	Austria		736.67		(3)				736.67
	11/25	11/25	Kosovo				(3)				
	11/25	11/27	Austria		1,104.99		(3)				1,104.99
	11/27	11/27	Greece				(3)				
	11/27	11/28	Austria		368.34		(3)				368.34
John Blazey II	11/23	11/25	Austria		736.67		(3)				736.67
	11/25	11/25	Kosovo				(3)				
	11/25	11/27	Austria		1,104.99		(3)				1,104.99
	11/27	11/27	Greece				(3)				
	11/27	11/28	Austria		368.34		(3)				368.34
Debbie Weatherly	11/23	11/25	Austria		736.67		(3)				736.67
	11/25	11/25	Kosovo				(3)				
	11/25	11/27	Austria		1,104.99		(3)				1,104.99
	11/27	11/27	Greece				(3)				
	11/27	11/28	Austria		368.34		(3)				368.34
Jeff Ashford	11/07	11/09	United Kingdom		914.00						914.00
	11/09	11/11	Italy		864.00						864.00
	11/11	11/12	Poland		333.00						333.00
	11/12	11/12	Ireland		327.00						327.00
							[4] 6,288.37				6,288.37
Hon. C.W. Bill Young	11/06	11/10	Italy		808.00		(3)				808.00
	11/10	11/11	Spain		134.00		(3)				134.00
							(3)				
David Jolly	11/06	11/10	Italy		808.00						808.00
	11/10	11/11	Spain		134.00						134.00
							(3)				
Douglas Gregory	11/06	11/10	Italy		808.00		(3)				808.00
	11/10	11/11	Spain		134.00		(3)				134.00
James W. Dyer	11/05	11/06	United Arab Emirates		258.00		(3)				258.00
	11/06	11/07	Iraq		61.00		(3)				61.00
	11/07	11/08	Kuwait		394.00		(3)				394.00
	11/08	11/09	Pakistan		263.00		(3)				263.00
	11/09	11/10	Afghanistan		90.00		(3)				90.00
	11/10	11/11	Germany		369.00		(3)				369.00
Stephaanie Gupta	12/12	12/15	Spain		1,046.00						1,046.00
	12/15	12/17	United Kingdom		881.50						881.50
							[4] 5,528.00				5,528.00
Jeff Ashford	12/12	12/15	Spain		1,046.00						1,046.00
	12/15	12/18	United Kingdom		1,288.50						1,288.50
							[4] 5,567.00				5,567.00
Tom McLemore	12/12	12/15	Spain		1,046.00						1,046.00
	12/15	12/18	United Kingdom		1,288.50						1,288.50
							[4] 5,564.00				5,564.00
Hon. Jlm Kolbe	12/19	12/20	Iceland		128.00		(3)				128.00
	12/21	12/22	Afghanistan		90.00		(3)				90.00
	12/22	12/25	Jordan		762.00		(3)				762.00
	12/25	12/27	Ukraine		509.00		(3)				509.00
Hon. Charles Taylor	12/19	12/20	Iceland		128.00		(3)				128.00
	12/21	12/22	Afghaanistan		90.00		(3)				90.00
	12/22	12/25	Jordan		762.00		(3)				762.00
	12/25	12/27	Ukraine		509.00		(3)				509.00
John G. Shank	12/19	12/20	Iceland		128.00						128.00
	12/21	12/22	Afghanistan		90.00						90.00
	12/22	12/23	Jordan		254.00						254.00
							[4] 2,888.92				2,888.92
Hon. Jessie Jackson	12/01	12/04	China		1,137.00		(3)				1,137.00
Carol Murphy	12/01	12/05	Japan		1,327.00						1,327.00
	12/06	12/08	Guam		475.62						475.62
	12/08	12/12	Korea		1,164.00						1,164.00
									16.00		16.00
								[4] 8,263.55			8,263.55
Walter Hearne	12/01	12/05	Japan		1,327.00						1,327.00
	12/06	12/08	Guam		624.43						624.43
	12/08	12/12	Korea		1,164.00						1,164.00
								[4] 8,263.55			8,263.55
Robert Bonner	12/13	12/15	Spain		867.50						867.50
	12/15	12/18	United Kingdom		1,221.00						1,221.00
									8.00		8.00
								[4] 5,496.00			5,496.00
Hon. Maurice Hinchey	12/16	12/18	Austria		642.00		(3)				642.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/18	12/20	Ukraine		599.50		(3)				599.50
	12/20	12/21	Ireland		486.00		(3)				486.00
Hon. Marcy Kaptur	12/16	12/18	Austria		642.00		(3)				642.00
	12/18	12/20	Ukraine		599.50		(3)				599.50
	12/20	12/21	Ireland		486.00		(3)				486.00
Committee total					69,365.15		131,257.32		24.00		200,646.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.
[4] Commercial air transportation.
[5] Commercial air & rail transportation.

JERRY LEWIS, Chairman, Jan. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, OFFICE OF SURVEYS AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, Jan. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Ireland, Iraq, Jordan and France, October 18–21, 2004:											
Hon. John M. McHugh	10/18	10/19	Ireland		309.80						309.80
	10/19	10/19	Iraq								
	10/19	10/20	Jordan		238.00						238.00
	10/20	10/21	France		238.00						238.00
Hon. Rick Larsen	10/18	10/19	Ireland		309.80						309.80
	10/19	10/19	Iraq								
	10/19	10/20	Jordan		238.00						238.00
	10/20	10/21	France		238.00						238.00
Hon. John D. Chapla	10/18	10/19	Ireland		309.80						309.80
	10/19	10/19	Iraq								
	10/19	10/20	Jordan		238.00						238.00
	10/20	10/21	France		238.00						238.00
Mr. Jeffrey A. Green	10/18	10/19	Ireland		309.80						309.80
	10/19	10/19	Iraq								
	10/19	10/20	Jordan		238.00						238.00
	10/20	10/21	France		238.00						238.00
Mr. Paul Arcangeli	10/18	10/19	Ireland		309.80						309.80
	10/19	10/19	Iraq								
	10/19	10/20	Jordan		238.00						238.00
	10/20	10/21	France		238.00						238.00
Visit to the United Kingdom, November 2–6, 2004:											
Hon. Curt Weldon	11/3	11/5	United Kingdom		914.00						914.00
Commercial airfare							3,602.26				3,602.26
Visit to Cuba, November 23, 2004:											
Mr. Hugh N. Johnston, Jr.	11/23	11/23	Cuba		5.13						5.13
Mr. Eric R. Sterner	11/23	11/23	Cuba		5.13						5.13
Mr. Jeffrey A. Green	11/23	11/23	Cuba		5.13						5.13
Ms. Erin C. Conaton	11/23	11/23	Cuba		5.13						5.13
Visit to Austria, Kosovo and Greece with Codel Hobson, November 23–28, 2004:											
Hon. Mike Turner	11/23	11/28	Austria		2,351.00						2,351.00
	11/25	11/25	Kosovo								
	11/27	11/27	Greece								
Visit to Belgium and Luxembourg, December 15–19, 2004:											
Hon. Joe Wilson	12/16	12/16	Belgium								
	12/16	12/19	Luxembourg		1,457.39						1,457.39
	12/17	12/17	Belgian								
	12/17	12/17	Germany								
	12/18	12/18	Belgium								
	12/19	12/19	Belgium								
Commercial transportation							5,905.55				5,905.55
Hon. Mike McIntyre	12/13	12/16	Belgium								
	12/16	12/19	Luxembourg		1,457.39						1,457.39
	12/17	12/17	Germany								
	12/17	12/17	Belgium								
	12/18	12/18	Belgium								
	12/19	12/19	Belgium								
Commercial transportation							5,905.55				5,905.55
Hon. Madeleine Bordallo	12/16	12/16	Belgium								
	12/16	12/19	Luxembourg		1,457.39						1,457.39
	12/17	12/17	Germany								
	12/17	12/17	Belgium								
	12/18	12/18	Belgium								
	12/19	12/19	Belgium								
Commercial transportation							5,905.55				5,905.55
Mr. Robert S. Rangel	12/16	12/16	Belgium								
	12/16	12/19	Luxembourg		1,457.39						1,457.39
	12/17	12/17	Germany								
	12/17	12/17	Belgium								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/18	12/18	Belgium								
	12/19	12/19	Belgium								
Commercial transportation							5,905.55				5,905.55
Mr. Henry J. Schweiter	12/16	12/16	Belgium								
	12/16	12/19	Luxembourg		1,457.39						1,457.39
	12/17	12/17	Germany								
	12/17	12/17	Belgium								
	12/18	12/18	Belgium								
	12/19	12/19	Belgium								
Commercial transportation							5,905.55				5,905.55
Delegation Expenses	12/16	12/19	Luxembourg				3,633.00		12,446.18		16,079.18
Visit to Austria, the Ukraine and Ireland with Codel Rohrabacher, December 16–21, 2004:											
Hon. Roscoe G. Bartlett	12/16	12/18	Austria		642.00						642.00
	12/18	12/20	Ukraine		599.50						599.50
	12/20	12/21	Ireland		486.00						486.00
Visit to Uzbekistan, Afghanistan, Jordan, Iraq, and the Ukraine with Codel Kolbe, December 19–27, 2004:											
Hon. Susan Davis	12/19	12/20	Iceland		128.00						128.00
	12/21	12/22	Afghanistan		90.00						90.00
	12/22	12/25	Jordan		762.00						762.00
	12/24	12/24	Iraq								
	12/25	12/25	Iraq								
	12/25	12/27	Ukraine		509.00						509.00
Hon. Loretta Sanchez	12/19	12/20	Iceland		128.00						128.00
	12/21	12/22	Afghanistan		90.00						90.00
	12/22	12/25	Jordan		762.00						762.00
Commercial transportation							2,408.63				2,408.63
Committee total					18,697.97		39,171.64		12,446.18		70,315.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Jan. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, Jan. 12, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Barton	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Hon. Fred Upton	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Hon. George Radanovich	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Bud Albright	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Mark Menezes	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Mark Paoletta	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Ryan Thompson	9/17	9/20	Kuwait		1,182.00						1,182.00
	9/20	9/21	Germany		253.00						253.00
Committee total					9,792.00						9,792.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, Oct. 20, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, Jan. 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marc Wheat	12/25	12/28	Bogota		675.00		2,149.04				
	12/28	12/29	Venezula		233.00						
Nicholas Coleman	12/25	10/28	Bogota		675.00		1,959.50				
Margaret Schulte	11/8	11/12	United Kingdom		1,283.00		6,082.26				
Anne Marie Turner	11/8	11/12	United Kingdom		1,255.00		6,082.26				
Tom Davis	11/8	11/12	United Kingdom		2,160.00		4,166.32				
Joshua Sharfstein	11/8	11/12	United Kingdom		1,558.83		6,081.91				
Naomi Seller	11/8	11/12	United Kingdom		1,558.83		6,081.91				
Jaime Hjort	12/1	12/5	France		1,100.00		6,197.06				
Marsha Blackburn	11/19	11/20	London		729.00		8,375.56				
	11/20	11/23	Pakistan		526.00						
Alexandria Teltz	12/11	12/16	Argentina		1,540.00		8,444.00				
Greg Dotson	12/11	12/21	Argentina		1,540.00		6,633.00				
Dennia Kucinish	12/16	12/17	Argentina		350.00		5,809.00				
Committee total					11,753.66		47,175.82				83,245.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Jan. 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sheila Jackson Lee	10/11	10/12	Qatar		327.00		(3)				338.00
	10/12	10/13	Iraq		61.00		(3)				
Brian White	12/5	12/7	UK		914		[4] 6517.34				9,384.34
	12/7	12/8	Netherlands		417.00						
	12/8	12/11	France		1,386.00			[5] 120.00			
Allen Thompson	12/6	12/7	UK		914		[4] 65.17.34				9,654.34
	12/7	12/8	Netherlands		417.00						
	12/8	12/11	France	1,386.00			[5] 120.00				
Cong. Curt Weldon	12/13	12/15	Serbia and Montenegro		861.00		6,344.15				7,205.15
Committee total					6,683.00		19,618.33				26,301.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial air transportation—round trip.
[5] Train.

CHRISTOPHER COX, Chairman, Jan. 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ney	12/9/	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Chris Otillio	12/09	12/10	Lebanon		486.00				76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Chris Krueger	12/09	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Brian Walsh	12/09	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
George Shevlin	12/09	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Tom Hicks	12/09	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Beth Bellizzi	12/09	12/10	Lebanon		486.00				76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Connie Goode	12/09	12/10	Lebanon		486.00		7,050.00		76.50		9,308.50
	12/11	12/13	Turkey		828.00						
	12/14	12/17	Egypt		868.00						
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Jan. 24, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND SEPT. 4, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick Murray	7/06	7/08	Europe		998.70						
	7/09	7/09	Europe		457.00						
	7/08	7/10	Europe		762.00						
							[4] 8,168.24				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND SEPT. 4, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joseph Jakub	7/06	7/08	Europe		998.70						
							[4] 6,724.74				
Dave Barth	8/31	9/01	South Africa		237.00						
	8/31	9/01	South Africa		293.00						
	9/01	9/04	Europe		850.00						
							[4] 8,567.67				
Hon. Collin Peterson	8/26	8/30	South America		1,280.00						
							[4] 4,738.00				
Hon. Robert E. (Bud) Cramer	8/07	8/09	Australia		612.00						
	18/09	8/14	Australia		3,046.00						
	8/14	8/18	Asia		1,460.00						
	8/18	8/20	Asia		515.00						
	8/21	8/22	Asia		332.00						
	8/22	8/23	Europe		560.00						
							(3)				
Hon. Jane Harman	9/16	9/17	South America		308.00						
Hon. Rush Holt	8/08	8/10	Middle East		476.00						
	8/10	8/12	Middle East		678.00						
	8/12	8/13	Middle East								
	8/13	8/14	Middle East		268.00						
	8/14	8/15	Europe		380.00						
							(3)				
											42,708.65
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air Transportation.
[4] Commercial air transportation.

PETER HOEKSTRA, Chairman, Nov. 29, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 1, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	12/9	12/10	Pakistan		596.46						596.46
	12/10	12/12	Afghanistan		56.00						56.00
	12/12	12/13	Uzbekistan		168.00						168.00
	12/13	12/14	Germany		302.00						302.00
	12/9	12/14					[4] 8,129.76				8,129.76
Hon. Gary Ackerman	11/7	11/9	Egypt		434.00				[5] 766.25		1,200.25
	11/9	11/10	Syria		256.00						256.00
	11/10	11/11	Jordan		238.00						238.00
	11/11	11/15	Israel		1,356.00						1,356.00
	11/7	11/15					[4] 9,024.69				9,024.69
David Adams	12/17	11/9	Egypt		434.00						434.00
	11/9	11/10	Syria		256.00						256.00
	11/10	11/11	Jordan		238.00						238.00
	11/11	11/15	Israel		1,3560.00						1,356.00
	11/7	11/15					[4] 4,889.19				4,889.19
Lara Alameh	11/7	11/9	Egypt		434.00						434.00
	11/9	11/10	Syria		256.00						256.00
	11/10	11/11	Jordan		238.00						238.00
	11/11	11/15	Israel		1,695.00						1,695.00
	11/7	11/15					[4] 8,973.24				8,973.24
Douglas Anderson	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Cass Ballenger	10/25	10/28	Colombia		318.00						318.00
	10/28	10/29	Venezuela		283.00						283.00
	10/25	10/29					[4] 2,281.04				2,281.04
Ted Brennan	10/25	10/28	Columbia		475.00						475.00
	10/28	10/29	Venezuela		233.00						233.00
	10/25	10/29					[4] 2,360.04				2,360.04
Hon. Steven Chabot	12/9	12/11	Taiwan		545.00						545.00
	12/11	12/12	Cambodia		203.00						203.00
	12/12	12/17	Vietnam		935.00						935.00
	12/9	12/17					[4] 8,578.67				8,578.67
Joan Condon	11/7	11/8	Italy		487.00						487.00
	11/8	11/10	Libya		1,038.00						1,038.00
	11/7	11/10					[4] 7,104.10				7,104.10
	12/2	12/8	Kenya		1,173.00		9,072.18				10,245.18
Jeffrey Cox	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Ted Dagne	12/8	12/10	Chad		590.00						590.00
	12/10	12/13	Ethiopia		756.00						756.00
	12/13	12/15	Kenya		590.00						590.00
	12/8	12/15					[4] 11,370.84				11,370.84
Hon. Eni Faleomavaega	11/23	11/26	New Zealand		978.80		8,165.25		[4] 89.51		9,233.56
	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
	12/7	12/12	French Polynesia				5,813.10				5,813.10
Jim Farr	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
David Fite	10/27	10/31	France		1,358.00		6,179.60				7,537.60
Hon. Jeff Flake	12/9	12/10	Pakistan		777.00						777.00
	12/10	12/12	Afghanistan		90.00						90.00
	12/12	12/13	Uzbekistan		228.00						228.00
	12/9	12/13					[4] 8,177.88				8,177.88
Gregg Galivn	12/8	12/10	Chad		590.00						590.00
	12/10	12/13	Ethiopia		500.00						500.00
	12/13	12/15	Kenya		534.00						534.00
	12/8	12/15					[4] 9,509.84				9,509.84
Kirsti Garlock	12/2	12/7	Kenya		1,173.00		9,072.88				10,245.88
Kristen Gilley	12/2	12/7	Kenya		438.00		9,072.18				9,510.18
Dennis Halpin	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Henry Hyde	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Jonathan Katz	11/30	12/2	Serbia		525.00		5,817.51				6,342.51
David Killion	11/30	12/1	Germany		359.00						359.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 1, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/1	12/3	United Kingdom		814.00						814.00
	11/30	12/3					[4] 6,200.01				6,200.01
Kay King	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Peter King	10/18	10/19	Ireland		157.00						157.00
	10/19	10/20	Jordan		360.00						360.00
	10/20	10/21	France		65.00		(3)				65.00
Robert King	11/5	11/7	Italy		1,461.00						1,461.00
	11/8	11/11	Libya		1,384.00						1,384.00
	11/5	11/11					[4] 3,773.85				3,773.85
	12/1	12/4	Hong Kong SAR		530.79		(3)				530.79
Sheila Klein	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Thomas Lantos	11/5	11/7	Italy		630.00						630.00
	11/7	11/10	Libya		1,038.00						1,038.00
	11/10	11/13	Hungary		366.00						366.00
	11/5	11/13					[4] 9,515.24				9,515.24
Caleb McCarry	10/25	10/28	Colombia		575.00						575.00
	10/28	10/29	Venezuela		248.00						248.00
	10/25	10/29					[4] 2,360.04				2,360.04
	12/1	12/3	Colombia		112.00		2,671.50				2,783.50
James McCormick	10/25	10/25	Nepal		65.00						65.00
	10/25	10/27	India		464.00						464.00
	10/27	10/28	Sri Lanka		226.00						226.00
	10/29	10/31	Thailand		464.00						464.00
	10/25	10/31					[4] 7,642.12				7,642.12
Hon. Thaddeus McCotter	10/18	10/19	Ireland		157.00						157.00
	10/19	10/20	Jordan		360.00						360.00
	10/20	10/21	France		65.00		(3)				65.00
John Mackey	10/17	10/21	Peru		748.00						748.00
	10/21	10/27	Colombia		1,050.00						1,050.00
	10/17	10/27					[4] 3,111.50				3,111.50
	12/1	12/5	Colombia		700.00		2,339.50				2,339.50
Alan Makovsky	11/5	11/7	Italy		1,461.00						1,461.00
	11/7	11/10	Libya		1,038.00						1,038.00
	11/10	11/13	Belgium		1,131.00						1,131.00
	11/5	11/13					[4] 7,030.23				7,030.23
Thomas Mooney	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Paul Sanz Oostburg	12/1	12/4	Colombia		470.00		2,249.50				2,719.50
Brenda Ortman	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Donald Payne	12/8	12/10	Chad		590.00						590.00
	12/10	12/13	Ethiopia		756.00						756.00
	12/13	12/15	Kenya		590.00						590.00
	12/8	12/15					[4] 8,810.34				8,810.34
	12/19	12/20	Iceland		128.00						128.00
	12/20	12/22	Afghanistan		90.00						90.00
	12/22	12/25	Jordan		762.00						762.00
	12/25	12/27	Ukraine		509.00		(3)				509.00
Hon. Mike Pence	12/9	12/10	Pakistan		777.00						777.00
	12/10	12/12	Afghanistan		90.00						90.00
	12/12	12/13	Uzbekistan		228.00						228.00
	12/13	12/14	Germany		382.00						382.00
	12/9	12/14					[4] 7,730.32				7,730.32
Patrick Prisco	11/30	12/2	Serbia		525.00		7,218.71				7,743.71
Gregg Rickman	11/30	12/1	Germany		299.00						299.00
	12/1	12/3	United Kingdom		814.00						814.00
	11/30	12/3					[4] 6,613.01				6,613.01
John Walker Roberts	12/9	12/16	Austria		963.00						963.00
Hon. Dana Rohrabacher	12/1	12/4	Hong Kong SAR		1,137.00						1,137.00
	12/16	12/18	Austria		642.00						642.00
	12/18	12/20	Ukraine		599.50						599.50
	12/20	12/21	Ireland		486.00		(3)				486.00
Jonathan Scharfen	12/9	12/10	Pakistan		677.00						677.00
	12/11	12/12	Afghanistan		40.00						40.00
	12/12	12/13	Uzbekistan		228.00						228.00
	12/13	12/14	Germany		332.00						332.00
	12/9	12/14					[4] 7,730.00				7,730.00
Hon. Adam Schiff	12/17	12/18	Austria		321.00						321.00
	12/18	12/20	Ukraine		599.00						599.00
	12/20	12/21	Ireland		180.00		4,015.68				4,195.68
Doug Seay	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
	12/16	12/18	Austria		642.00						642.00
	12/18	12/20	Ukraine		599.50						599.50
	12/20	12/21	Ireland		486.00		(3)				486.00
Sam Stratman	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Hon. Robert Wexler	11/30	12/2	Serbia		525.00		5,817.51				6,342.51
Judy Wolverton	12/1	12/4	Hong Kong SAR		1,137.00		(3)				1,137.00
Committee total					69,408.05		228,421.05		855.76		298,684.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.
[4] Roundtrip airfare.
[5] Indicates delegation costs.

HENRY HYDE, Chairman, Jan. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Doug Crandall	10/1	10/3	Canada		600.00		692.78				1,292.78
Richard Pombo	10/10	10/15	Thailand		927.96		5,274.50		270.75		6,473.21
Todd Willens	10/7	10/17	Thailand		1,967.91		7,481.92				9,449.83
Kurt Christensen	12/12	12/19	Argentina		1,550.00		1,052.00				2,602.00
Committee totals					5,045.87		14,501.20		270.75		19,817.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD POMBO, Chairman, Jan. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brad Smith	12/19	12/20	Iceland		128.00	(3)					128.00
	12/21	12/22	Afghanistan		90.00	(3)					90.00
	12/22	12/25	Jordan		762.00	(3)					762.00
	12/25	12/27	Ukraine		509.00	(3)					509.00
Committee total					1,489.00						1,489.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, Jan. 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mike Quear	12/1	12/4	France		1,110.00		2,040.41				3,150.41
Eric Webster	11/30	12/4	France		1,110.00		762.45				1,872.45
Kathryn Clay	12/9	12/18	Argentina		999.00		6,233.00				7,232.00
John Mimikaus	12/14	12/17	Argentina		922.80		5,176.00				6,098.80
Christal Sheppard	12/10	12/16	Argentina		308.00		6,633.00				6,941.00
Committe total					4,449.80		20,845.86				25,294.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Jan. 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the quarter of the calendar year noted above, please check the box at right to indicate and return. ☒

JOEL HEFLEY, Chairman, Jan. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 4 AND NOV. 27, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Thomas	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Hon. Nancy Johnson	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Hon. Phil English	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Hon. Ron Lewis	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Hon. Michael McNulty	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/11	Cyprus				(3)				
Ms. Angela Ellard	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Ms. Mary Sue Englund	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Ms. Stephanie Henning	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Ms. Stephanie Lester	11/04	11/06	Tunisia		450.00		(3)				450.00
	11/06	11/08	Jordan		476.00		(3)				476.00
	11/08	11/09	Oman		290.00		(3)				290.00
	11/09	11/11	Egypt		595.50		(3)				595.50
	11/11	11/12	Cyprus				(3)				
Hon. Mark Foley	11/21	11/24	Czechoslovakia		918.00		5,699.80				6,617.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 4 AND NOV. 27, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Stephanie Tubbs-Jones	11/23	11/25	Austria		340.00		(3)				340.00
	11/25	11/25	Kosovo		170.00		(3)				170.00
	11/25	11/27	Austria		340.00		(3)				340.00
	11/27	11/27	Greece		170.00		(3)				170.00
Committee total					1,938.00		5,699.80				7,637.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, Jan. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the quarter of the calendar year noted above, please check the box at right to indicate and return.☒

ROBERT W. NEY, Chairman, Jan. 21, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN Oct. 1 AND Dec. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the quarter of the calendar year noted above, please check the box at right to indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES E. GRASSLEY, Chairman, Jan. 16, 2005.

EXECUTIVE COMMUNICATIONS, ETC.

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

1119. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Terrance T. Etnyre, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1120. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Vice Admiral Robert F. Willard, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1121. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Karl W. Eikenberry, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1122. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas B. Goslin, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1123. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on Future Combat System (FCS) information, pursuant to Public Law 108–375, section 211; to the Committee on Armed Services.

1124. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2004 of the Department's Bureau of Industry and Security (BIS); to the Committee on International Relations.

1125. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America's 2004 Report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

1126. A letter from the Chief, Regulations and Administrative Law, USCG, Deparment of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1127. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Marker 0.0 to Mile Marker 0.4, Pittsburgh, PA. [COTP Pittsburgh-04-030] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1128. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; The Bridgewater Channel, Between London Bridge and the Lake Havasu State Park. [COTP San Diego 04-033] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1129. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 766.9 to Mile 767.1, Pepin, WI [COTP St. Louis-04-032] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 179.2 to Mile 180.0, St. Louis, MO [COTP St. Louis-04-041] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 179.2 to Mile 180.0, St. Louis, MO [COTP St. Louis-04-042] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 852.2 to Mile 852.8, Minneapolis, MN [COTP St. Louis-04-043] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1133. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Minnesota River Mile Marker 3.3 to Mile Marker 3.7, Minneapolis, MN [COTP St. Louis-04-046] (RIN: 1625-AA00) received February 10, 2005,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1134. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL. [COTP TAMPA 04-107] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1135. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Tampa 04-113] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP TAMPA 04-117] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homenland Security, transmitting the Department's final rule — Safety Zone; Sabine River to Sabine-Neches Canal, Orange, TX [COTP Port Arthur-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Principal Deputy Under Secretary for Policy, Department of Defense, transmitting a report on progress in Kosovo toward achieving militarily significant benchmarks during the period July 1 to December 31, 2004, pursuant to Public Law 106—398, section 1212(c); jointly to the Committees on Armed Services, International Relations, and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER (for himself and Mr. CARDIN):

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. HYDE (for himself and Mr. BURTON of Indiana):

H.R. 1213. A bill to authorize appropriations for fiscal year 2006 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Ms. WATSON, Mr. LANGEVIN, Mr. VAN HOLLEN, Mr. PALLONE, Ms. SLAUGHTER, Ms. LEE, Mr. MCDERMOTT, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Ms. SOLIS, Mr. WAXMAN, Mr. MICHAUD, Mr. BISHOP of New York, Ms. MCCOLLUM of Minnesota, Mr. GUTIERREZ, Ms. WATERS, Mrs. DAVIS of California, Mr. NADLER, Mr. LANTOS, Mr. WEXLER, Mr. OWENS, Mr. PAYNE, Mr. FARR, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. HARMAN, Mr. ALLEN, Mr. ROTHMAN, Mrs. CAPPS, Mr. BERMAN, Mrs. MCCARTHY, Mr. BROWN of Ohio, Mr. WU, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas):

H.R. 1214. A bill to require that the recommended national protocol for sexual assault medical forensic examinations include a recommendation that rape victims be offered information about emergency contraceptives to prevent pregnancy; to the Committee on the Judiciary.

By Mr. GINGREY (for himself, Mr. MARSHALL, Mr. EHLERS, Mr. BOEHLERT, Mr. FILNER, Mr. ROHRABACHER, Mr. MCHUGH, Mr. HASTINGS of Washington, and Mr. SIMMONS):

H.R. 1215. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. SOUDER, Mr. COBLE, Mr. VISCLOSKY, Mr. HOLDEN, Mr. HAYES, Mr. ROHRABACHER, Mr. CASE, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. TAYLOR of Mississippi, Mr. KENNEDY of Minnesota, Mr. BARRETT of South Carolina, Mr. JONES of North Carolina, Mr. BERRY, Mr. DOYLE, Mr. REYNOLDS, Mr. DEFAZIO, Mr. STUPAK, Mr. LIPINSKI, Ms. HART, Mr. RUPPERSBERGER, Mr. BROWN of Ohio, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. MOLLOHAN, Mr. REGULA, Mr. NEY, and Mr. GERLACH):

H.R. 1216. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. NUSSLE, Mr. OLVER, Mr. LAHOOD, Mr. SERRANO, Mr. PETRI, Mr. PAYNE, Mr. BOEHLERT, Mrs. LOWEY, Mr. PAUL, Mr. LANTOS, Ms. BALDWIN, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. KIND, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. DELAHUNT, Mr. LYNCH, Mr. UDALL of New Mexico, Mrs. MALONEY, Mr. RUSH, Ms. LEE, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. HOLT, Mr. MOORE of Kansas, Ms. WATSON, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. DEFAZIO, Mr. HINCHEY, Mr. DICKS, Mr. HINOJOSA, Mr. ENGEL, Mr. ABERCROMBIE, Mr. MARKEY, Mr. LARSON of Connecticut, Mr. WYNN, Mr. PALLONE, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. MEEHAN, Mr. ROTHMAN, Mr. EVANS, Mrs. MCCARTHY, Mr. ALLEN, Ms. WATERS, Ms. MCKINNEY, Mr. BLUMENAUER, Mr. FARR, Mr. MCNULTY, Mr. CUMMINGS, Mrs. CAPPS, Ms. MOORE of Wisconsin, Mr. SABO, Ms. ZOE LOFGREN of California, Mr. PRICE of North Carolina, Mr. KUCINICH, Ms. SLAUGHTER, Mr. CLAY, Mr. VAN HOLLEN, Mr. DOGGETT, Ms. MCCOLLUM of Minnesota, Mrs. JONES of Ohio, Mr. JACKSON of Illinois, Mr. WEINER, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. COSTELLO, Mr. KILDEE, Mr. EMANUEL, Mrs. BIGGERT, Mr. GEORGE MILLER of California, Mr. UDALL of Colorado, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1217. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. MCGOVERN (for himself, Mr. LANTOS, Mr. DOYLE, Mr. MCDERMOTT, Mr. ETHERIDGE, Mr. PAYNE, Mr. SCHIFF, Mr. CONYERS, Mr. OWENS, Mrs. CAPPS, Ms. WATSON, Mr. SERRANO, Mrs. MALONEY, Mr. GEORGE MILLER of California, Ms. SOLIS, Ms. LEE, Mr. WOLF, Mr. PLATTS, and Mr. KIRK):

H.R. 1218. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself, Mr. NORWOOD, Mr. CARTER, Mr. TANCREDO, Mr. BARRETT of South Carolina, Mr. GALLEGLY, Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of Texas, and Mr. GRAVES):

H.R. 1219. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. BUYER (for himself, Mr. EVANS, Mr. MILLER of Florida, and Ms. BERKLEY):

H.R. 1220. A bill to increase, effective as of December 1, 2005, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELLER:

H.R. 1221. A bill to suspend temporarily the duty on certain rubber or plastic footwear; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. DELAURO, Mr. FILNER, Mr. HINCHEY, Mr. HOLDEN, Mr. KUCINICH, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. OWENS, Mr. RANGEL, Mr. STARK, Ms. WOOLSEY, and Ms. ROYBAL-ALLARD):

H.R. 1222. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; 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. FOLEY (for himself, Mr. CRAMER, Mr. MCNULTY, Mr. GENE GREEN of Texas, and Mr. KOLBE):

H.R. 1223. A bill to ensure that appropriate State social services officers have the authority to access certain Federal databases for the purpose of carrying out checks in cases of child abuse and neglect and cases of missing children, and for other purposes; to the Committee on the Judiciary.

By Mrs. KELLY (for herself, Mr. KANJORSKI, Ms. VELÁZQUEZ, Mrs. MALONEY, Mr. SHERMAN, Mr. HINOJOSA, and Mr. MANZULLO):

H.R. 1224. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Mr. CONYERS (for himself and Mr. SHAYS):

H.R. 1225. A bill to better manage the national instant criminal background check system and terrorism matches; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mrs. MALONEY, Mr. OXLEY, Mr. FRANK of Massachusetts, Ms. PRYCE of Ohio,

Mr. BAKER, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. KANJORSKI, Mr. JONES of North Carolina, Mrs. BIGGERT, Mr. FITZPATRICK of Pennsylvania, Mr. GERLACH, Mr. GILLMOR, Mr. GUTIERREZ, Mr. FORD, Mr. LEACH, Mr. CASTLE, Mr. RYUN of Kansas, Mr. CROWLEY, Mr. PAUL, Mr. NEUGEBAUER, Mr. MANZULLO, Ms. GINNY BROWN-WAITE of Florida, and Mr. CLAY):

H.R. 1226. A bill to establish a mechanism for developing uniform United States positions on issues before the Basel Committee on Banking Supervision at the Bank for International Settlements, to require a review on the most recent recommendation of the Basel Committee for an accord on capital standards, and for other purposes; to the Committee on Financial Services.

By Mrs. BIGGERT (for herself, Ms. SLAUGHTER, Mr. NEY, Ms. ESHOO, Mr. NORWOOD, Mr. DINGELL, Mr. HYDE, Mr. GEORGE MILLER of California, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. GILLMOR, Mr. OWENS, Mrs. MYRICK, Mr. GORDON, Mr. FERGUSON, Mr. GENE GREEN of Texas, Mr. REGULA, Mr. STRICKLAND, Mr. WOLF, Mrs. CAPPS, Mr. WAMP, Mr. ALLEN, Mr. RAMSTAD, Mr. DAVIS of Florida, Ms. GRANGER, Mr. THOMPSON of California, Mr. PLATTS, Mr. LEWIS of Georgia, Mrs. JO ANN DAVIS of Virginia, Mr. BERRY, Mrs. CAPITO, Mr. VAN HOLLEN, Mr. SAXTON, Mr. MICHAUD, Mr. BOEHLERT, Mrs. MALONEY, Mr. SHAYS, and Mr. KIND):

H.R. 1227. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 1228. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; 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. BLUNT (for himself, Mr. COOPER, Mrs. BLACKBURN, Mr. CHABOT, Mr. DAVIS of Tennessee, Mr. DELAY, Mr. FORD, Mr. FRANKS of Arizona, Mr. GORDON, Mr. JONES of North Carolina, Mr. MATHESON, Mr. TANNER, Mr. WAMP, and Mr. WESTMORELAND):

H.R. 1229. A bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUNT:

H.R. 1230. A bill to extend trade benefits to certain tents imported into the United States; to the Committee on Ways and Means.

By Mr. COLE of Oklahoma:

H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to repeal the limitation on the amount of the exclusion; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 1232. A bill to amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, 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. LINCOLN DIAZ-BALART of Florida (for himself, Mr. WAXMAN, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. SOLIS, and Mr. RANGEL):

H.R. 1233. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce, and in addition to the Committee on 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. DOGGETT (for himself, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. ALLEN, Ms. BALDWIN, Ms. BERKLEY, Ms. BORDALLO, Mr. BROWN of Ohio, Ms. CARSON, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY, Ms. NORTON, Mr. OWENS, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SLAUGHTER, Ms. SOLIS, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to require greater transparency of corporate tax accounting measures, to facilitate analysis of financial statements, to permit inspection of true corporate tax liability and understand the tax strategies undertaken by corporations, to discourage abusive tax sheltering activities, and to restore investor confidence in publicly traded corporations; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. CANNON, Mr. DUNCAN, Mrs. CUBIN, Mr. OTTER, Mrs. MUSGRAVE, Mr. SIMPSON, Mr. TANCREDO, and Mr. DOOLITTLE):

H.R. 1235. A bill to limit the authority of the Secretary of Agriculture and the Secretary of the Interior to acquire land located in a State in which 25 percent or more of all land in the State is already owned by the United States, and for other purposes; to the Committee on Resources.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 1236. A bill to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''; to the Committee on Government Reform.

By Ms. HART:

H.R. 1237. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. SANDERS, Mr. OWENS, Mr. STARK, Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. MEEK of Florida, Ms. NORTON, Mr. WEXLER, Mr. CLAY, Mr. MICHAUD, and Mr. PAYNE):

H.R. 1238. A bill to express the sense of the Congress with respect to the price and terms of credit used to pay large medical bills, to amend the Truth in Lending Act with respect to credit card issuers obligations for credit extended to pay medical expenses under certain circumstances, and for other purposes; to the Committee on Financial Services.

By Mr. HAYES:

H.R. 1239. A bill to require notice of exceptions applied by the Department of Defense to certain requirements to procure items made in the United States; to the Committee on Armed Services.

By Mr. HEFLEY (for himself and Mr. ALLEN):

H.R. 1240. A bill to establish a Federal Interagency Committee on Emergency Medical Services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOEKSTRA (for himself, Mr. SOUDER, Mr. EHLERS, Mr. MCCOTTER, Mr. DICKS, Mr. GARY G. MILLER of California, Mr. CHABOT, Mr. MCHUGH, Mr. AKIN, Ms. VELÁZQUEZ, Mr. BAIRD, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Mr. DAVIS of Illinois, Mr. FRANKS of Arizona, Mr. KIND, Mr. MANZULLO, Mr. UPTON, Mr. KNOLLENBERG, Mr. ROGERS of Michigan, Mr. FORD, Mr. PLATTS, and Mr. CALVERT):

H.R. 1241. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. WILSON of South Carolina, and Mr. EVANS):

H.R. 1242. A bill to establish the American Veterans Congressional Internship Program; to the Committee on House Administration.

By Mr. HOSTETTLER (for himself, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. WICKER, Mr. DOOLITTLE, Mr. WAMP, Mr. BURGESS, Mr. GOODE, Mr. SOUDER, Mr. GINGREY, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. HALL, Mr. WILSON of South Carolina, Mr. CANNON, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Mr. MCHENRY, Mr. FOLEY, Mrs. CUBIN, Mr. CANTOR, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. OTTER, Mr. LEWIS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. SODREL, and Mr. ALEXANDER):

H.R. 1243. A bill to amend title 18 of the United States Code to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 1244. A bill to amend title 10, United States Code, to provide health care coverage for spouses and children of members of the uniformed services on active duty through the Federal Employees Health Benefits program; to the Committee on Armed 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 Mr. ISSA (for himself, Mr. LEVIN, Ms. GRANGER, Ms. DELAURO, Mrs.

BONO, Mr. CANTOR, Mr. WILSON of South Carolina, Ms. HARRIS, Mr. HALL, Mr. BURTON of Indiana, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. HARMAN, Mr. DELAHUNT, Mr. EMANUEL, Mr. HINCHEY, Mr. HOLT, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Mr. LYNCH, Mrs. MCCARTHY, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. PLATTS, Mr. TIERNEY, Mr. TOWNS, Mr. WOLF, Ms. WOOLSEY, Mr. CAPUANO, Mr. ALLEN, Mr. MEEKS of New York, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. CALVERT, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. LANTOS, Mr. DAVIS of Illinois, Mr. POMBO, Mr. GALLEGLY, Mr. LUCAS, Mr. LEWIS of California, Mr. BACHUS, Mr. CRAMER, Mr. MCCOTTER, Mr. LEWIS of Georgia, Mr. STARK, Mr. WAXMAN, Mr. GINGREY, Mr. MENENDEZ, Ms. FOXX, Ms. BORDALLO, Ms. GINNY BROWN-WAITE of Florida, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. HASTINGS of Washington, Mr. BOSWELL, Ms. CARSON, Mr. HONDA, Mr. SANDERS, Mrs. MILLER of Michigan, Mr. WEXLER, Mr. LATOURETTE, Mr. TANCREDO, Mr. TOM DAVIS of Virginia, Mr. LEACH, Mr. ROHRABACHER, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. MCDERMOTT, Mrs. JO ANN DAVIS of Virginia, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, Ms. KILPATRICK of Michigan, Mr. NEAL of Massachusetts, Ms. ZOE LOFGREN of California, and Mr. STUPAK):

H.R. 1245. A bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. BACHUS, Ms. BALDWIN, Mrs. BONO, Ms. ESHOO, Mr. HALL, Mr. HULSHOF, Mr. RUSH, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SOLIS, and Mr. WAXMAN):

H.R. 1246. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. PENCE, and Mr. MARCHANT):

H.R. 1247. A bill to amend the National Labor Relations Act to ensure that certain prevailing parties receive attorneys' fees; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, Mr. PENCE, Mr. HENSARLING, Mr. KING of Iowa, and Mr. MARCHANT):

H.R. 1248. A bill to amend the National Labor Relations Act to prevent government agencies from requiring or prohibiting employers in the construction industry to enter into agreements with labor organizations; to the Committee on Education and the Workforce.

By Mr. KILDEE (for himself, Mr. NEY, Mr. ALLEN, Mr. BERMAN, Mr. BONNER, Mr. CHANDLER, Mr. CONYERS, Mr. CROWLEY, Mr. DICKS, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. GENE GREEN of Texas, Mr. GREEN of Wisconsin, Mr. GRIJALVA, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. LARSEN of Washington, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. SABO, Mr. SHAYS, Mr. SHERMAN, Mr. SHIMKUS, Mr. SIMMONS, Ms. SLAUGHTER, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WEXLER, Ms. WOOLSEY, Mr. PETERSON of Minnesota, Ms. WATSON, Mr. WEINER, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, and Mr. KUHL of New York):

H.R. 1249. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. KOLBE (for himself, Mr. RENZI, Mr. GRIJALVA, Mr. PASTOR, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. SHADEGG, and Mr. FLAKE):

H.R. 1250. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mr. MCNULTY, Mr. CARDOZA, Mrs. MALONEY, Mr. CUMMINGS, Mrs. MCCARTHY, Mr. PALLONE, Ms. LEE, Ms. HARMAN, Mr. CASE, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. MCINTYRE, Mr. SANDERS, Ms. NORTON, Mr. KUCINICH, Ms. WATSON, Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. ETHERIDGE, Mr. CROWLEY, Mr. WEXLER, Mr. LANGEVIN, Mr. DEFAZIO, and Mr. LEWIS of Georgia):

H.R. 1251. A bill to provide grants and other support to achieve communications interoperability in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY (for herself, Mr. RANGEL, Mr. OWENS, Mr. GRIJALVA, Mr. KILDEE, Mr. TOWNS, Mr. ISRAEL, Mr. KING of New York, Mr. STARK, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. ANDREWS, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, and Mr. BISHOP of New York):

H.R. 1252. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE:

H.R. 1253. A bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota (for himself, Ms. KAPTUR, Mr. ROSS, and Mr. FRANK of Massachusetts):

H.R. 1254. A bill to amend the Animal Health Protection Act to require the establishment of an electronic nationwide livestock identification system, to prevent the unauthorized release of information collected under the system, to promote an objective review of Department of Agriculture responses to livestock disease outbreaks, and for other purposes; to the Committee on Agriculture.

By Mr. PETERSON of Minnesota:

H.R. 1255. A bill to amend the Internal Revenue Code of 1986 to extend the tax incentives for biodiesel; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 1256. A bill to amend the Animal Health Protection Act to exempt certain animal identification information from disclosure under the Freedom of Information Act; to the Committee on Agriculture, 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 Mr. RADANOVICH (for himself, Mr. BLUNT, Mr. CARDOZA, Mr. WHITFIELD, Mr. SHIMKUS, Mr. HERGER, Mr. FOLEY, Mr. KINGSTON, Mr. ISSA, Mrs. EMERSON, Mr. BERRY, Mr. BISHOP of Georgia, Mr. SIMPSON, Mr. OTTER, Mr. DOOLITTLE, Mr. COSTA, Mr. POMBO, and Mr. JONES of North Carolina):

H.R. 1257. A bill to amend the Clean Air Act to authorize critical use exemption amounts for methy bromide as identified by the United States State Department for the years 2006 and 2007, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAMSTAD:

H.R. 1258. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. HASTINGS of Florida, Mr. FILNER, Mr. BRADY of Pennsylvania, Mr. OWENS, Ms. CARSON, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. PAYNE, Mr. SCHIFF, Mr. MEEKS of New York, and Mrs. CHRISTENSEN):

H.R. 1259. A bill to authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. SANDERS, Mr. MCHUGH, Mr. OBEY, Mr. BLUNT, Mr. HINCHEY, Mr. WALSH, Mrs. JOHNSON of Connecticut, Mr. MCNULTY, Mr. BARTLETT of Maryland, Mr. MCGOVERN, Mr. ENGLISH of Pennsylvania, Mr. BOEHLERT, Mr. TOWNS, Mr. ETHERIDGE, Ms. SLAUGHTER, Mr. OLVER, Mr. HIGGINS, Mr. SIMMONS, Mr. SKELTON, Mr. SWEENEY, Mr. KUHL of New York, Mr. NADLER, and Mr. HOLDEN):

H.R. 1260. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend contracts for national dairy market loss payments through fiscal year 2007, to increase the payment quantity authorized under such contracts, and for other purposes; to the Committee on Agriculture.

By Mr. RYUN of Kansas:

H.R. 1261. A bill to amend the National Trails System Act to improve the efficiency and fairness of acquiring railroad rights-of-way for interim use as public trails by applying the procedures applicable to other Federal real estate acquisitions; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. MARKEY, and Mr. BURGESS):

H.R. 1262. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 1263. A bill to protect and enhance consumer privacy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mrs. CAPPS, and Mrs. MALONEY):

H.R. 1264. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 1265. A bill to provide a source of funding for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 1266. A bill to facilitate the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H. Con. Res. 91. Concurrent resolution requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on Government Reform.

By Mr. PRICE of North Carolina:

H. Con. Res. 92. Concurrent resolution supporting the designation, during spring 2006, of National Horticultural Therapy Week in order to improve the quality of life for all and increase opportunities for each individual positively connect with the natural world; to the Committee on Government Reform.

By Mr. REYES:

H. Con. Res. 93. Concurrent resolution expressing the sense of the Congress that the Department of Justice should halt efforts to block compensation for torture inflicted by the Government of Iraq on American prisoners of war during the 1991 Gulf War; to the Committee on the Judiciary.

By Mr. TANCREDO:

H. Con. Res. 94. Concurrent resolution commending Paul Rusesabagina for his courage and bravery in saving hundreds of lives from the genocide in Rwanda, and for other purposes; to the Committee on International Relations.

By Mr. JINDAL (for himself and Mr. BOUSTANY):

H. Res. 146. A resolution expressing support for prayer at school board meetings; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. MILLENDER-MCDONALD, Mr. EHLERS, Mr. DOOLITTLE, Mrs. MILLER of Michigan, and Mr. REYNOLDS):

H. Res. 147. A resolution electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Administration.

By Mrs. BIGGERT (for herself and Mr. HINOJOSA):

H. Res. 148. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Government Reform.

By Mr. ROYCE (for himself and Mr. HONDA):

H. Res. 149. A resolution honoring the life and contributions of the late Dr. John B. Tsu for his dedication and service to the United States of America through many high-level boards and commissions and for his service on behalf of the Asian Pacific American community; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:

H. Res. 150. A resolution recognizing the goals and ideals of a National Time Out Day to support the universal protocol, developed by the Joint Commission on Accreditation of Healthcare Organizations, for preventing errors in the operating room, and for other purposes; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PENCE introduced A bill (H.R. 1267) for the relief of Fatuka Kaikumba Flake; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. GILLMOR, Mr. LINCOLN DIAZ-BALART of Flordia, and Mr. JINDAL.

H.R. 13: Mr. RAMSTAD, Mrs. BONO, Mr. FORTUÑO, and Mr. MORAN of Kansas.

H.R. 21: Ms. ROYBAL-ALLARD, Ms. CARSON, Mr. MEEKS of New York, Mr. MARKEY, and Mr. MURTHA.

H.R. 22: Mr. HIGGINS and Mrs. CUBIN.

H.R. 23: Mr. ROTHMAN, Ms. WOOLSEY, Mr. SOUDER, Mr. JEFFERSON, Mr. BOSWELL, Mr. DUNCAN, Mrs. JONES of Ohio, Mr. STARK, Mr. BARROW, Mr. TERRY, Mr. CARDIN, Ms. BERKLEY, Mr. PORTER, and Mr. ACKERMAN.

H.R. 34: Mr. FILNER, Mr. THORNBERRY, and Mr. LOBIONDO.

H.R. 49: Mr. DEFAZIO.

H.R. 63: Mr. GONZALEZ, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, Mr. UDALL of New Mexico, Mr. LANTOS, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. WEXLER, Mrs. MALONEY, Mr. STRICKLAND, Mr. LEVIN, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 68: Mr. WEINER.

H.R. 110: Mr. GRIJALVA and Mr. ANDREWS.

H.R. 115: Mr. DAVIS of Florida, Mr. PALLONE, Mrs. MALONEY, Mr. ACKERMAN, Mrs. DAVIS of California, Mr. COOPER, Ms. DELAURO, and Ms. WOOLSEY.

H.R. 127: Mr. OWENS and Mr. RUSH.

H.R. 128: Mr. MEEKS of New York, Ms. WATERS, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Ms. WOOLSEY, and Mr. BROWN of Ohio.

H.R. 206: Ms. LEE, Mr. WEINER, and Ms. SLAUGHTER.

H.R. 213: Mr. PALLONE.

H.R. 216: Mr. TIAHRT, Mr. FORBES, Mr. AKIN, Mr. SMITH of New Jersey, and Mr. RYUN of Kansas.

H.R. 230: Mr. SESSIONS.

H.R. 239: Mr. SESSIONS.

H.R. 282: Mr. SENSENBRENNER and Mr. COLE of Oklahoma.

H.R. 303: Mr. SMITH of Washington, Mrs. MCCARTHY, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. STRICKLAND, Mr. KILDEE, and Mr. CUELLAR.

H.R. 305: Ms. HART and Mr. MCHENRY.

H.R. 311: Mr. PAYNE and Mr. BROWN of Ohio.

H.R. 312: Mr. ETHERIDGE and Ms. HARMAN.

H.R. 354: Mr. OBERSTAR.

H.R. 458: Ms. MOORE of Wisconsin.

H.R. 503: Ms. WATSON, Mr. BARTLETT of Maryland, Mr. GRIJALVA, Ms. LEE, Mr. FOLEY, Mr. OLVER, Mr. PAYNE, Ms. BALDWIN, and Mrs. NAPOLITANO.

H.R. 514: Mr. SIMMONS.

H.R. 524: Mr. KUCINICH.

H.R. 525: Mr. ADERHOLT and Mr. BONNER.

H.R. 531: Mr. MICHAUD.

H.R. 533: Mr. SERRANO.

H.R. 550: Ms. WATSON, Mr. STUPAK, Mr. FORD, and Ms. DELAURO.

H.R. 556: Mr. WAXMAN.

H.R. 558: Ms. MCCOLLUM of Minnesota.

H.R. 559: Mr. KENNEDY of Rhode Island, Mr. PAYNE, and Mr. ALLEN.

H.R. 592: Ms. HART and Mr. PAYNE.

H.R. 595: Ms. CORRINE BROWN of Florida, and Mrs. JOHNSON of Connecticut.

H.R. 602: Ms. LINDA T. SÁNCHEZ of California, and Mr. PICKERING.

H.R. 623: Mr. PORTER.

H.R. 624: Ms. WOOLSEY, Ms. BERKLEY, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 653: Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. CAPUANO, Mr. BLUMENAUER, Mr. CARDOZA, and Ms. MCKINNEY.

H.R. 668: Mr. KUCINICH and Mr. LEWIS of Georgia.

H.R. 691: Mr. GORDON.

H.R. 703: Mr. GOODLATTE and Mr. MCHENRY.

H.R. 719: Mr. TERRY, Mr. GRIJALVA, Mr. KUHL of New York, Mr. KIND, Mr. TIBERI, Mr. BOOZMAN, and Mrs. EMERSON.

H.R. 721: Mr. THORNBERRY, Mr. MCCAUL of Texas, Mr. GREEN of Wisconsin, and Mr. SOUDER.

H.R. 731: Mr. GIBBONS.

H.R. 739: Mr. PRICE of Georgia and Mr. MARCHANT.

H.R. 740: Mr. MARCHANT and Mr. PRICE of North Carolina.

H.R. 741: Mr. PRICE of Georgia and Mr. MARCHANT.

H.R. 742: Mr. MARCHANT and Mr. PRICE of North Carolina.

H.R. 748: Mr. CAMP and Mr. BONILLA.

H.R. 750: Mr. WELLER and Mr. TANCREDO.

H.R. 765: Mr. GUTIERREZ, Mr. ROSS, Mr. PENCE, Mr. BROWN of South Carolina, Mr. CANNON, and Mr. MANZULLO.

H.R. 768: Mr. SIMMONS, Mr. NADLER, Mr. CARNAHAN, and Mr. TIERNEY.

H.R. 771: Mr. LEWIS of Georgia.

H.R. 783: Mr. MCINTYRE, Mr. CALVERT, Mr. RYAN of Wisconsin, Mr. EDWARDS, and Mr. FILNER.

H.R. 785: Mr. UPTON.

H.R. 788: Mr. HEFLEY.

H.R. 791: Mr. HINCHEY, Mr. SANDERS, and Mr. KENNEDY of Rhode Island.

H.R. 793: Mr. MICHAUD and Ms. BEAN.

H.R. 800: Mr. DELAY, Mr. PORTER, Mr. KING of Iowa, Mr. PRICE of Georgia, Mr. COSTELLO, Mr. BARROW, Mr. MELANCON, Mr. NEUGEBAUER, Mr. HUNTER, Mr. CAMP, Mr. MOLLOHAN, and Mr. BISHOP of Georgia.

H.R. 809: Mr. SAM JOHNSON of Texas, Mr. RAMSTAD, Mr. LUCAS, and Mr. NORWOOD.

H.R. 812: Mrs. CHRISTENSEN.

H.R. 815: Mr. BARRETT of South Carolina.

H.R. 817: Mr. HOBSON, Mr. OLVER, Mr. WU, Mrs. DAVIS of California, Mr. KIRK, and Ms. BERKLEY.

H.R. 819: Mr. TERRY and Mr. KUHL of New York.

H.R. 824: Mr. GENE GREEN of Texas, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr.

HASTINGS of Florida, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. CONYERS, Mr. COOPER, Mr. HIGGINS, Mr. PALLONE, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. BACA, Ms. SLAUGHTER, Mr. EMANUEL, Mr. MCGOVERN, Mr. CUMMINGS, Mr. GONZALEZ, and Mr. LEWIS of Georgia.

H.R. 838: Mr. MEEHAN, Mr. SERRANO, Ms. CARSON, and Ms. ZOE LOFGREN of California.

H.R. 839: Mr. UDALL of Colorado, Mr. HONDA, Mr. BAIRD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Ms. WATSON, Mr. CASE, and Mr. INSLEE.

H.R. 844: Mr. RYAN of Ohio.

H.R. 859: Ms. HART and Mr. KUHL of New York.

H.R. 870: Mr. MCGOVERN, Ms. WOOLSEY, and Mr. KUCINICH.

H.R. 871: Mr. CARNAHAN and Mr. UDALL of New Mexico.

H.R. 874: Mr. MARCHANT and Mr. PRICE of North Carolina.

H.R. 878: Mr. DAVIS of Florida, Ms. WOOLSEY, and Mr. WEINER.

H.R. 880: Mr. MILLER of Florida and Mr. TOWNS.

H.R. 881: Mr. SANDERS, Mr. WALSH, Mrs. MCCARTHY, Mr. ROYCE, Mr. HYDE, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. RYUN of Kansas, Mr. RENZI, Mr. HINCHEY, Mr. WELLER, Mr. MILLER of Florida, and Mr. CROWLEY.

H.R. 896: Mr. LEWIS of Georgia.

H.R. 908: Mrs. CHRISTENSEN.

H.R. 913: Mr. SMITH of Washington, Ms. PELOSI, and Mr. BLUMENAUER.

H.R. 917: Ms. HERSETH, Mr. DUNCAN, Mr. PAUL, and Mr. HINCHEY.

H.R. 923: Mr. FRANK of Massachusetts and Mr. ALEXANDER.

H.R. 928: Mr. FILNER, Mr. OWENS, and Mr. BERMAN.

H.R. 934: Mr. NADLER, Mr. SALAZAR, and Mr. SHIMKUS.

H.R. 944: Mr. HALL and Mr. PAYNE.

H.R. 952: Mr. TOWNS and Ms. KAPTUR.

H.R. 968: Mr. PETERSON of Minnesota, Mr. PLATTS, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, and Mr. DEFAZIO.

H.R. 972: Mr. CROWLEY, Mr. GENE GREEN of Texas, Mr. SOUDER, and Mr. KUCINICH.

H.R. 997: Mr. BROWN of South Carolina.

H.R. 1001: Mr. HINOJOSA, Mr. POE, Mr. GENE GREEN of Texas, Mr. AL GREEN of Texas, Mr. BARTON of Texas, and Mr. THORNBERRY.

H.R. 1002: Mr. KUCINICH, Mr. MCNULTY, Mr. OWENS, Mr. DOGGETT, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. BOEHLERT, and Mr. PASTOR.

H.R. 1010: Mr. CLAY.

H.R. 1039: Mr. ACKERMAN.

H.R. 1053: Mr. BARTLETT of Maryland.

H.R. 1063: Mr. MILLER of Florida, Mr. KUHL of New York, Mr. KENNEDY of Minnesota, and Ms. HARRIS.

H.R. 1073: Mr. MCKEON.

H.R. 1074: Mr. GINGREY, Mrs. MYRICK, and Mr. MCKEON.

H.R. 1075: Mr. GINGREY, Mrs. MYRICK, and Mr. MCKEON.

H.R. 1078: Mr. KILDEE.

H.R. 1079: Mr. HOSTETTLER, Mr. NEUGEBAUER, and Mr. MANZULLO.

H.R. 1080: Ms. WOOLSEY.

H.R. 1081: Mr. KENNEDY of Rhode Island.

H.R. 1100: Mr. MCKEON, Mr. FRANKS of Arizona, Mr. SHUSTER, Mr. TERRY, Mr. FORBES, and Mr. MANZULLO.

H.R. 1106: Mr. SANDERS and Ms. KAPTUR.

H.R. 1107: Mr. BROWN of Ohio, Mr. MCINTYRE, Mr. SANDERS, Mr. PALLONE, Mr. GORDON, Ms. HARMAN, and Ms. SLAUGHTER.

H.R. 1134: Mr. MURPHY.

H.R. 1139: Mr. HINCHEY.

H.R. 1145: Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. OSBORNE, Mr. PLATTS, Mr. PASTOR, and Mr. MCINTYRE.

H.R. 1151: Mr. BOUSTANY, Mr. FORTENBERRY, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. DEAL of Georgia, Mr. GINGREY, Mr. WHITFIELD, Mr. NORWOOD, Mr. LATHAM, Mr. CANNON, Mr. BROWN of South Carolina, Ms. HARRIS, Mr. LYNCH, Mr. ROHRABACHER, Mr. DUNCAN, Mr. CAMP, Mr. KLINE, Mr. COLE of Oklahoma, Mr. GOODE, Mr. WELDON of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MURPHY, Mr. KING of New York, Mr. PRICE of Georgia, Mr. HUNTER, Mr. MCHUGH, Mr. PETERSON of Minnesota, Mr. SHIMKUS, Mr. JACKSON of Illinois, Mr. BACHUS, Mr. SKELTON, Mr. CARTER, Mr. LEWIS of Kentucky, Mr. HALL, Mr. REGULA, Mr. BURTON of Indiana, Mr. COSTELLO, Mr. PUTNAM, Mr. SHUSTER, and Mrs. MCCARTHY.

H.R. 1155: Mr. LARSON of Connecticut.

H.R. 1157: Mr. MICHAUD.

H.R. 1185: Mr. ADERHOLT and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1189: Mr. GILLMORE.

H.R. 1210: Ms. SLAUGHTER.

H.J. Res. 10: Mr. SIMPSON, Mr. LAHOOD, and Mr. MICHAUD.

H.J. Res. 23: Ms. DELAURO.

H. Con. Res. 10: Mr. SHAYS, Ms. WOOLSEY, Mr. KUHL of New York, and Mr. HINCHEY.

H. Con. Res. 18: Mr. POE.

H. Con. Res. 47: Mr. SERRANO.

H. Con. Res. 52: Mr. OTTER.

H. Con. Res. 57: Mr. GONZALEZ and Mr. LEWIS of Georgia.

H. Con. Res. 70: Mr. ANDREWS, Mr. SCOTT of Georgia, and Mr. BARTLETT of Maryland.

H. Con. Res. 76: Mr. FORBES, Mr. SOUDER, Mr. JONES of North Carolina, Ms. HARRIS, Mr. MCGOVERN, and Mr. MCNULTY.

H. Con. Res. 81: Mr. SHERMAN.

H. Con. Res. 83: Mr. ANDREWS and Mr. SHAYS.

H. Con. Res. 85: Mr. PLATTS, Mr. TAYLOR of Mississippi, and Mr. MORAN of Virginia.

H. Res. 37: Mr. SCHIFF, Mr. RAHALL, Mr. BURTON of Indiana, amd Mr. MCCOTTER.

H. Res. 61: Mr. LEWIS of Georgia.

H. Res. 84: Mr. PENCE.

H. Res. 90: Ms. HARMAN, Mr. FRANK of Massachusetts, and Mr. LEWIS of Georgia.

H. Res. 101: Mr. DOOLITTLE, Ms. HARMAN, Mr. ANDREWS, Mr. LARSON of Connecticut, and Mr. WAXMAN.

H. Res. 108: Mr. SHERMAN and Mr. PRICE of Georgia.

H. Res. 116: Ms. MCCOLLUM of Minnesota, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. PALLONE, and Ms. KAPTUR.

H. Res. 120: Mr. AL GREEN of Texas and Mr. LARSEN of Washington.

H. Res. 131: Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mrs. DAVIS of California, Ms. BERKLEY, Ms. HARMAN, Mr. KIND, Ms. WATSON, Mr. COOPER, Mr. LANGEVIN, Mr. CARDOZA, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. MCINTYRE, Mr. JEFFERSON, Mr. LARSEN of Washington, Ms. HERSETH, Mr. BOSWELL, and Mr. MOORE of Kansas.

H. Res. 135: Ms. KAPTUR, Mr. SKELTON, Mr. BOEHLERT, Mr. SENSENBRENNER, Mr. SHERMAN, Ms. HARRIS, Mr. KUHL of New York, Mr. BOEHNER, Mr. YOUNG of Alaska, Mr. PASTOR, Mr. GORDON, and Ms. ROS-LEHTINEN.

H. Res. 137: Mr. KUHL of New York, Mr. DOOLITTLE, Mr. MCGOVERN, Mr. LAHOOD, and Ms. HERSETH.

H. Res. 145: Mr. RAMSTAD.

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. 21: Mr. BACA.

H.R. 623: Mr. ROSS.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, THURSDAY, MARCH 10, 2005 No. 28

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain John K. Jenkins, Sr., Pastor at First Baptist Church of Glenarden, Landover, MD.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Heavenly Father, I come before Your presence to thank You and praise You for this day. I thank You for Your goodness and Your mercy. I thank You for Your grace and love that You have extended to us every day.

Father, I come to You today to thank You for the honor and privilege of living in this great and marvelous country. I thank You for our freedom and for the ability to worship You and serve You freely. We do not consider it lightly that You have given us this opportunity, and we thank You.

I cry out to You this day, Heavenly Father, for our Nation—for the people of this country. I cry out for the mothers and fathers. I pray for their children. I cry out for our school systems, police departments, government agencies and businesses. Please allow this Nation to be one that will honor You and Your ways.

Lord, I beseech Your throne this day on behalf of these prominent leaders of our Nation. Give them Your truth and Your direction. Give them Your wisdom and Your power. I pray for each of these Senators and their families—their spouses and their children. I pray for the people whom these men and women represent. I ask that You meet their needs and prove Yourself strong to each of them.

Finally, Father, I close this prayer by giving You thanks and praise for what You have already done, for what You are doing, and for what You are going to do. I thank You now and I pray this prayer in the Mighty Name of my resurrected Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU 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, this morning, we will have morning business until 11 a.m. At 11 o'clock, we will resume the bankruptcy legislation and immediately proceed to three consecutive rollcall votes. Those votes are on the Kennedy amendments Nos. 70 and 69, and the Akaka amendment No. 105. Under the order from last night, we will then have another series or two of stacked votes throughout the day in order to finish the bill.

We will vote on final passage of the bankruptcy bill later today. It is going to be a very busy day, with many rollcall votes over the course of today. Therefore, I encourage all Members to remain close to the floor. We will limit all votes, after the first in the series, to 10 minutes in length. I encourage my colleagues to stay nearby so that we do not have to extend this limit. It is always difficult, and we always have excuses as people come in a few minutes late, but on a day like today we need—we will; not need—we will finish this bill. We will have a lot of votes over the course of today. We have to have all of our colleagues understand that they need to come and vote, and vote on time.

Over the course of the day, we will consider the bankruptcy bill. It is a bill we have worked on for not just the last 2 weeks solidly but really for the last about 7 years or 8 years, almost in the same form that is being addressed today. It has been talked about, has been discussed, has been debated, and has been modified.

Later today, we will have a great victory again for the American people in passing the bill that I expect will pass with overwhelming bipartisan support. The issues that we are talking about are not Democrat issues or Republican issues; they really are American issues. Today, people will be able to look back over the course of the last 2 weeks, and really this whole 109th Congress, and say that we are doing what the American people want, what they deserve; that is, to govern with meaningful solutions to the very real challenges, the very real problems in people's lives, whether it is in Tennessee or Florida or Nevada or California, all over this country. So I am very pleased with the activity on the floor of the Senate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

Over the course of the day, the Budget Committee will also be marking up the budget proposal. Once that markup is completed, we will bring that to the floor. I would very much like to be able to start that bill, if at all possible, tomorrow. Under the rules of the Senate, after that bill comes to the floor, we will spend 50 hours on that bill, and we will have a number of votes.

Once again, historically, or in the recent past, we have had amendment after amendment after amendment. The Democratic leader and I have, over the last week, been engaged in discussions on how we can help the managers of that bill limit the amendments to those amendments that really are important and substantive and to have a good discussion between us and between the managers, among all the Senators, so we can coordinate how to bring those amendments to the floor and have them voted upon so that we do not, at the end of the day, or at the end of that 50 hours, have 30, 40, 50, 60, 70, 80, 90 amendments, which we have seen in the past. It is not necessary.

If we can work together over the course of the next 8 or 9 days, I believe we can take what can be very chaotic on the floor and give it some definition and make it clear to people we want their ideas heard, we want them debated within the 50 hours, we want to have them voted upon, but we can do it in a way that brings order out of this sometimes chaotic process.

With that, Mr. President, I will yield the floor, looking forward to a very full day. We will be in session tomorrow. I would think—and I will have more to say a little bit later, but in talking to the Democratic leader, if we can complete the budget today in committee, and I believe we can, and if we complete this bankruptcy bill, which we will, then I would think we probably would not have to have rollcall votes tomorrow. We will be in session tomorrow. I put both of those ''ifs'' in there because we have to move forward and accomplish the business before us. If we were unable to finish those two things, we would have to be in tomorrow with rollcall votes.

But our goal is to complete the markup on the budget and complete the bankruptcy bill today. I would like to do it in the late afternoon. If not, we will go into the evening until we complete both.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 until 11 a.m., with the time equally divided between the leaders or their designees.

The Senator from Massachusetts.

BANKRUPTCY REFORM

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, I speak now in morning business because at 11 o'clock we will have a continuation of votes in the Senate on the bankruptcy bill. Then we will have a series of votes later on in the afternoon, with a time to be designated by the leadership. Then we will move to final passage. There would not be otherwise an opportunity to express my views about the bankruptcy bill in general and on a number of the items we have debated and on which we have failed to persuade the majority of our colleagues. I want to reference those in my remarks this morning.

America at its best is when we are united in common cause and a unified purpose. We came together to overcome the Great Depression. We came together to fight two world wars against tyranny. We came together in the Cold War years to contain and defeat Communism. We came together to fight polio, to explore the heavens, and to create a secure retirement for our seniors. We came together after much struggle to expand the circle of opportunity in America for civil rights, voting rights, disability rights, and women's rights. We came together on 9/11 as a nation determined to fight terrorism and defend our land.

As Americans, we know how to come together to achieve great goals, to make stronger our communities, our families, our economy, our schools, and our nation. That is the America I believe in. That is the America I fight for every day. An America where we are joined arm in arm to advance the cause of opportunity, freedom, and fairness for all of our people.

But this legislation breaks the bond that unites America, the bond that makes our country strong. It says the concerns of low and middle-income families don't matter. They no longer have a voice in the United States Senate. What matters are the special interests. This bill sacrifices the hopes and dreams of average Americans to the rampant greed of the credit card industry. It turns the United States Senate into a collection agency for the credit card companies, reaching the long arm of the law into the pocketbooks of average Americans who have reached the end of their economic rope.

That is wrong. That is not what we should be doing here. We have a responsibility to the people to fight for them and their needs, not to do the bidding of the almighty credit card companies.

A lot of people are going to be pained with this bill. Make no mistake. The idea that this bill is focused on spendthrifts is laughable when the other side admits that the most we have in terms of spendthrifts is maybe 10 percent of the total of those who go into bankruptcy, and most of the bankruptcy attorneys say it is anywhere from 5 to 7 percent. We are picking up all these individuals who are going to be forced to pay and be treated more harshly with this bill than they otherwise would be under the regular Bankruptcy Act.

Our bankruptcy laws are intended to give families a second chance. As Americans, we believe that if you work hard, live responsibly, but fall on hard times, our bankruptcy laws should be there to help you get back on your feet. If you get sick and face a mountain of medical bills, if you face divorce and no longer have two incomes to support your family, if your job gets sent overseas, then Americans believe you should have an opportunity to rebuild your lives.

These are the principal causes for bankruptcy. We know that more children drop out of college every single year, not academically, but because of the cost of student loans. They can't pay them. We have been through this during the course of the debate. If you have a heart attack, if you are diagnosed with cancer, even if you have health insurance, you basically have overwhelming bills and more often than not get thrown into bankruptcy. If you get divorced—as we will have a chance to vote on—200,000 women don't receive alimony and don't receive child support, these are hard-working Americans who are going to get thrown into bankruptcy. And rather than be let out so that they will have a new chance and a new opportunity in life because they have done nothing wrong, they are going to be tied up and paying the credit card companies for the next 5 years. That is the way this bill works.

This bill changes everything. It takes dozens and dozens of bankruptcy rules and rewrites every single one of them in favor of the credit card industry. Yesterday, we witnessed the powerful grip of this industry over the Republican Party. The Republicans defeated amendment after amendment after amendment after amendment that tried to give average Americans a fair chance when they face the credit card company lawyers in bankruptcy court. But when it appeared that a special interest loophole for the financial services industry threatened to be closed by the Leahy-Sarbanes-Warner amendment, the Republicans shut down the Senate.

It is not as if the credit card industry is suffering. As we can see from this chart, the profits are in the billions of dollars: $6.4 billion 1990; $12.9 billion in 1995; $20.5 billion in 2000; and they expect as a result of this bill that it will be 5 billion more dollars in profits. That is what this bill will mean. Over who? Over the families going into bankruptcy because of a heart attack, a stroke, children who have spina

bifida, over women who are not getting paid alimony or child support, over those workers whose jobs have been shipped overseas trying hard to pick up another job and can't keep up with the payments and go into bankruptcy. Those are the people who are suffering. But when it came to an issue involving the financial services industry, our Republican leadership closed the Senate down last night.

In the 8 years that this bill has been before the Senate, credit card profits have jumped 163 percent from $11.5 billion a year to more than $30 billion a year.

We hear the proponents of this legislation say: Look, we have had this legislation before us for 8 years. We have a problem. We have to deal with the problem. A problem, with these kinds of profits?

We have a problem with health care coverage for Americans. We have a problem with the cost of health care. We have a challenge in supporting our schools and our local communities. That is what is on the minds of Americans. Here we are in the Senate, taking 2 weeks of our time in order to look out for the credit card companies and make sure there are going to be greater profits for a single industry. That is the priority of the Republican leadership, rather than dealing with the root causes of so many of those who will be dragged into bankruptcy and made indentured servants to the credit card industry for the next 5 years. It does not make sense. These are the wrong priorities, the wrong values.

Middle class families are facing tough times with incomes falling, health costs out of control, college tuition through the roof, and now gasoline prices rising once again.

But this bill says that what's going on in your life every day doesn't matter.

You may be a member of the Guard or the Reserve called to Iraq and your business failed because you were away serving your country. In fact, 40 percent of those called up say they lost income, and over 19,000 soldiers declared bankruptcy just last year. They sacrificed their lives in Iraq and their financial security here at home, but the credit card companies will honor their service by squeezing every last dime out of our veterans in bankruptcy court.

Here is a letter from the Military Officers Association of America:

> On behalf of the nearly 370,000 members of the Military Officers Association . . . I am writing to request your support for the protection of servicemembers, veterans, and military survivors from the increased bankruptcy penalties.

They have it right, ''increased bankruptcy penalties.'' And this was written after Senators accepted the Sessions amendment which is just eye dressing.

> Our association is sensitive that overseas contingencies disrupt the lives and finances of servicemembers and their families. This is particularly true of the mobilized Guard and Reserve members. Those who are self-employed, or who took significant pay cuts from their civilian occupations, have been placed at increased risk of facing bankruptcy because of their service and sacrifice for our Nation. Survivors of members killed on active duty also may find themselves at increased financial risk. Many have left service rather than be subject to similar recalls in the future, and we are already concerned about the implications of this for long-term retention and readiness.
>
> MOAA does not believe this is the time to impose new financial strictures . . .

There it is. Nonetheless, we have gone ahead and done that. Democrats tried to correct this problem, to put some balance and fairness in the bill. Senator DURBIN offered an amendment to protect those who protect us, but our Republican friends said no. Every single Republican in the United States Senate voted for more credit card profits and against our service men and women.

You may be a cancer survivor, but you can't survive the $35,000 in medical bills that your insurance company won't pay, and you lost another $20,000 for all the months you couldn't work and had to use your credit cards to pay the mortgage, cover the car payments, pay the utilities, and buy the groceries. You're doing everything you can to pay down your debt. You have taken out a second mortgage. You have cashed in your retirement savings. Your family is sharing one car.

But that doesn't matter. Under this bill, the profits of the credit card companies are more important than your recovery from cancer. Tough words; tough bill.

Democrats fought to correct this problem. I offered an amendment to give responsible Americans who fall on hard times due to illness or injury a fair chance in bankruptcy court. But the Republicans voted against these Americans in favor of the credit card companies.

You may be a single mother trying to raise your family, juggle your job and school, and rely on alimony and child support to pay the bills. But more than 200,000 women owed alimony or child support are forced into bankruptcy every year.

Democrats are addressing this problem, too. Republicans have a chance to vote for single mothers later this morning. We have a chance to say to women across America, who are taking responsibility every single day for their children, but have a deadbeat dad who won't do his part, that we're on your side. We believe it's more important for you to get back on your feet than for the credit card companies to have greater profits.

Maybe your job was one of the 2.8 million manufacturing jobs that have been shipped overseas in the past 4 years. You found a new job, but it pays only half as much. But under this bill, it doesn't matter. In bankruptcy court you will still have to keep paying the exorbitant interest payments to the credit card companies as if you still had your old, better paying job.

It doesn't matter that you have worked hard and lived responsibly all your life.

It doesn't matter that you were willing to take a lower paying job because you wanted to be a contributing member of society.

It doesn't matter that you clip grocery coupons every week to try to preserve the money you set aside to put your children through college.

It doesn't matter that you gave up your vacation to pay for repairs to your leaky roof.

It doesn't matter that your lost job means you had to move your elderly parents into a cheaper nursing home to try to avoid bankruptcy.

It doesn't matter. You can sacrifice and cut corners and put aside hopes and plans and dreams. But all that matters in this bill is for the credit card companies to have more and more profits.

We'll have a chance to vote on this question later this morning, too. But I have a feeling that Republicans are going to say no to the needs of Americans whose jobs have been outsourced overseas, just as they have said no to Iraq veterans, to single mothers, to children, and to seniors.

We should be working to unite the country to achieve great goals again. Why are we not debating those issues here on the floor of the Senate, instead of trying to get more profits for the credit card industry—perhaps the most profitable industry in America—at the expense of the mothers, children, veterans of Iraq, those who have serious health care bills, and those whose jobs have been shipped overseas. We should be battling for them. We should be battling to improve our schools and make college more affordable. We should be strengthening our economy and training our workers to compete against globalization. We should be fighting to keep our country safe from terrorism.

This bill makes these goals more difficult to achieve. It divides America by rewarding the most powerful special interests at the expense of low and middle-income families. A Republican supporter of the bill said yesterday that this bill was ''fair and balanced.'' Where is the fairness? Where is the balance?

It does nothing to fix the millionaires' mansion loophole that allows millionaires to go into bankruptcy and still keep their massive estates. You may lose your home, but they get to keep their palaces under this bill. Where was the effort on the other side—talking about a fair and balanced bill—to try to do something about that? All they could do was whip up their own membership in order to defeat that amendment to have one standard for all Americans. That is what I thought we were about as a country one standard—not a dual standard for wealthy millionaires that can hide the tens of millions of dollars

in their mansions and palaces in a handful of States.

It does nothing to help the thousands upon thousands of employees and retirees of companies like Enron and WorldCom and Polaroid, who are left out, twisting in the wind, after a bankruptcy process that lets the responsible corporate executives go free. They go free. These employees lose their pensions, their health insurance, their retirement, and their investments, as they did at Polaroid. Is there anything in this bill to try to help those individuals, many of whom worked a lifetime for these companies? Absolutely not. They are fair game. After these individuals, the Ebbers, the Skillings, Enron, and the rest, robbed those companies, they are sitting in their mansions now in Houston; but these other individuals will be dragged into bankruptcy court if they get a serious illness or sickness, or if they run into family problems.

Fair and balanced? No way, Mr. President. The Republicans and the credit card companies may get their way, and the American people may lose this round; but the fight is never over until we have assured fairness and freedom and opportunity for every one of our citizens. That is our pledge as Democrats today and tomorrow and in the future. That is why I hope our colleagues will vote no.

I will mention a few further items. One is from the Children's Defense Fund, who care about children. We tried to point out some of the other groups that will be affected. Here is a letter from the Children's Defense Fund. I will read excerpts of it. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S DEFENSE FUND,
Washington, DC, March 1, 2005.

Re: oppose S. 256, the Bankruptcy Act of 2005.

DEAR SENATOR: The Children's Defense Fund is writing to urge you to oppose S. 256, a bankruptcy bill that would hurt many Americans facing financial problems due to job loss, divorce, child-rearing, lack of medical insurance, or predatory lending practices. This bill would inflict hardship on more than one million economically vulnerable women and families who are affected by the bankruptcy system each year. Medical emergency, job loss or family breakups are factors which account for nine out of ten filings.

The bill would also hurt women who are owed child or spousal support by men who file for bankruptcy. The bill will make it more difficult for mothers to collect support because credit card companies and other commercial creditors will have greater claims to the debtor's resources during and after bankruptcy. Being first among unsecured creditors in Chapter 7 bankruptcy is meaningless when over 95 percent of debtors have no resources to pay unsecured creditors. In Chapter 13, the bill would require larger payments to be made to many commercial creditors, resulting in smaller payments of past-due child support over a longer period of time, increasing the risk that child support debts will not be paid in full. And after the bankruptcy is over, more debts owed to commercial creditors will survive—and mothers and children owed support are not a match for the collection departments of the commercial credit industry.

S. 256 contains a number of provisions which would have a severe impact on families trying to regain their economic stability through the bankruptcy process. S. 256 would make it harder for women to access the bankruptcy system. Low and moderate income families are not protected from many of the bill's harsh provisions. Parents who desperately need to preserve their homes from foreclosure or prevent their families from being evicted, or keep a car to get to work, would find it more difficult to do so. And, when the bankruptcy process was over, parents already facing economic disadvantage would find it harder to focus their income on reasonable and necessary support for dependent children because many more debts would survive.

Passage of the bankruptcy bill would make it harder for families struck by financial misfortune to get back on track. It would benefit the very profitable credit card industry at the expense of the modest-income families who represent the great majority of those who declare bankruptcy. Congress should not enact reform that puts women and children at greater risk. The bill is profoundly unfair and unbalanced. Unless there are major changes to S. 256, we urge you to oppose it.

Very truly yours,
DEBORAH CUTLER-ORTIZ,
Director of Family Income and Jobs, Children's Defense Fund.

Mr. KENNEDY. In part, the letter says:

This bill would inflict hardship on more than 1 million economically vulnerable women and families who are affected by the bankruptcy system each year.

. . . and after the bankruptcy is over, more and more debts owed to the commercial creditors will survive—and mothers and children owed support are not a match for the collection departments of the commercial credit industry.

There it is. The credit card companies and the mothers will be scrambling over the nickels and dimes that might be left. Guess who is going to win out? That is the fairness and balance that has been put in here. That is why the Children's Defense Fund is strongly opposed to this.

The National Women's Law Center wrote:

This bill would inflict additional hardship on over one million economically vulnerable women and families who are affected by the bankruptcy system each year: those forced into bankruptcy because of job loss, medical emergency, or family breakup—factors which account for nine out of ten filings—and women who are owed child or spousal support by men who file for bankruptcy.

It will make it ''harder for women to meet their children's needs after bankruptcy because many more debts would survive.''

Finally, the Alliance for Retired Americans wrote:

The fastest growing group of Americans filing for bankruptcy are those over 65. This unfortunate situation has been caused by skyrocketing health costs that can drain a lifetime of savings in a very short period of time. In addition, many older Americans have seen their pensions and retirement savings disappear as well. The result has been that many older Americans cannot enjoy the security in their retirement through no fault of their own. And they end up in bankruptcy.

This legislation before the Senate actually increases the burden on older Americans who undergo financially difficult times through health care costs or loss of retirement income.

This administration wants to privatize Social Security. This is what they say. That is why they are opposed to it. Those who represent the children are opposed to it. The ones in the military are opposed to it. Those who represent workers are opposed to it. Those who represent women are opposed to it. The one group that is for it is the credit card companies. Take your choice. I know how I will decide.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

Mr. HATCH. Madam President, the crisis created by the unprecedented use of filibusters to defeat judicial nominations must be solved while preserving two important Senate traditions. On the one hand, extended debate is an important part of how the United States Senate conducts its legislative business. On the other hand, we have traditionally given judicial nominations reaching the Senate floor a final confirmation decision. Two years ago, this latter tradition was attacked when the filibuster was used for the first time to defeat majority supported judicial nominations. Mr. President, these are two different and important traditions and each must be preserved.

Solving this crisis by restoring Senate tradition is not a partisan step, but is in the interest of the Senate as an institution. Both Republicans and Democrats should follow the same standard, no matter which party occupies the White House or runs the Senate. Neither Democrats nor Republicans should have to go through this vicious cycle of filibusters against qualified judicial nominees.

Let me first clarify once again the situation in which we find ourselves. Before 2003, no majority supported judicial nomination had been defeated by a filibuster. Under our Rule XXII, we did vote on motions to end debate on judicial nominations, though we did so just 15 times in 35 years. Simply taking a cloture vote, however, does not mean a filibuster is underway. In fact, some of those cloture votes were used deliberately to prevent filibusters, clearing the procedural path and guaranteeing an up or down confirmation vote. Some have been used for floor management purposes. We did so even on very controversial nominations, such as President Clinton's choices of Richard Paez and Marsha Berzon for the U.S. Court of Appeals for the Ninth Circuit.

Before 2003, only one judicial nomination on which cloture was not invoked was not confirmed. Opposition to cloture on the controversial 1968 nomination of Abe Fortas to be Chief Justice was evenly bipartisan and showed that

the nominee lacked clear majority support. At the nominee's request, President Lyndon Johnson withdrew the nomination the next day. Senator Robert Griffin, from Michigan, who led opposition to the nomination, personally told me that there never was an intention to use the filibuster to defeat the Fortas nomination. There was no need, since the votes were there to defeat the nomination outright. Lyndon Johnson knew it and that is why they withdrew the nomination rather than be embarrassed by the bipartisan vote of both parties against the nominee.

Before 2003, if the Senate rejected a judicial nomination that reached the Senate floor, we did so by voting it down; filibusters did not prevent a final vote in order to keep a nomination from confirmation. The break with that tradition came in 2003. During the 108th Congress alone, we voted on motions to end debate on judicial nominations 20 times. Each vote failed, and opposition to cloture was completely partisan. None of those nominees was confirmed, though each had clear bipartisan majority support.

Those who want to end this Senate tradition of giving judicial nominations reaching the Senate floor an up or down vote fear they will lose if we follow that tradition. To them, the end of defeating President Bush's judicial nominations justifies the means of destroying Senate tradition. Being honest about it would reveal how such partisan strategies are politicizing the judicial appointment process, so they try to make other arguments.

They claim Republicans filibustered President Clinton's judicial nominations, but each of his judicial nominees on whom we took a cloture vote is today a sitting Federal judge.

They claim they don't filibuster very often, which is beside the point if using the filibuster against judicial nominations violates constitutional principles and departs from Senate tradition. There have already been enough judicial nomination filibusters to give President Bush the lowest appeals court confirmation rate of any president since Franklin Roosevelt.

Or they claim they filibuster only nominees who are out of some kind of mainstream. It is difficult to know what that charge really means, especially since the American Bar Association—which Democrats once considered the gold standard—has found them qualified. Senators may, of course, vote against a judicial nominee for any reason they wish, but we should stop pretending that out of the mainstream is anything more than a prediction that the nominee may not always rule the way liberal interest groups want. Considering the stream in which many of those groups swim, I'm not so sure this isn't a compliment. If the mainstream really mattered, though, these filibusters would never have started. Newspaper editorials opposing filibusters of judicial nominations outnumber those supporting them by at least six-to-one.

Madam President, I ask unanimous consent that some representative editorials from mainstream newspapers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 13, 2003]

THE POLITICS OF FILIBUSTERS

Where's Jimmy Stewart when you need him? Two historic filibusters are currently under way in the Senate—one's been going on for months—but next to no one outside the Beltway has noticed.

Senate business proceeds as usual, the Members get to sleep in their own beds at night, and Miguel Estrada and Priscilla Owen's names come up only when repeated motions to close debate and bring their judicial nominations to a vote are defeated. Hollywood is not remaking ''Mr. Smith Goes to Washington.'' All of which is exactly the way Democrats want it: They can defeat two Bush judges, and more down the road, without paying a political price.

So one can hardly blame Majority Leader Bill Frist for trying to shine a little light on the problem. The Democrats are imposing an extraordinary new standard for confirming judges—not a simple majority of 51 votes but a super-majority of 60, the number required to shut off debate. Both filibustered nominees have the support of a bipartisan majority, yet they are being denied the confirmation votes to which they are entitled under the advice-and-consent clause of the U.S. Constitution.

Mr. Frist's proposed solution is to change the procedure under which debate ends and a vote is taken, a process known as ''cloture.'' He would amend Senate Rule XXII so that the number of votes needed to end a filibuster would fall from 60 to 57 to 54 to 51 on successive votes. This would preserve the essential purpose of the filibuster—which is to give the minority a chance to make their case—but not let them abuse the system by holding confirmable nominees hostage forever.

Georgia Democrat Zell Miller made an even more ambitious reform proposal on this page in March, when he called for new cloture rules for nominations and legislation—not just nominations, as Mr. Frist proposes. Mr. Miller's proposal was in turn based on one in 1995 by Democrats Tom Harkin and Joseph Lieberman.

That last one had the support of none other than Tom Daschle, who said at the time that ''Democracy means majority rule, not minority gridlock.'' Mr. Daschle hewed to a different principle on Sunday, when he told NBC's ''Meet the Press'' that Mr. Estrada and Judge Owen are ''exceptions to the rule'' that every nominee deserves an up or down vote in the Senate. Apparently he doesn't believe the Constitution should be applied equally to every American.

Under current practice no Senate rule, including the 60–vote cloture rule, can be changed except by a two-thirds majority. Which is where things get interesting, constitutionally speaking. Many legal scholars—liberal and conservative—argue that Rule XXII is unconstitutional because it binds future Senates to rules made by a past Senate. ''It is an ancient principle of Anglo-American law that one legislature cannot bind a succeeding legislature,'' Steven Calabresi of Northwestern Law School, told the Senate last week.

Catholic University's Douglas Kmiec made a similar point on this page in March, and Lloyd Cutler, White House Counsel to Presidents Carter and Clinton, wrote in 1993 that ''the Senate rule requiring a super-majority vote to cut off debate is unconstitutional.'' Vice Presidents Nixon, Humphrey and Rockefeller, while presiding over the Senate, have all held that Senate rules can be changed by a simple majority.

If the current Senate did that with Rule XXII—obtain a majority vote to change the cloture rules for nominations—Vice President Cheney would presumably agree. That would leave the Democrats with the option of going to court, where the Supreme Court could take the case or, more likely, decide it was a political dispute best left to the Senate to resolve. The President's nominees would be seated.

We've said it before, but it's worth repeating that the Democrats' judicial filibusters are unprecedented in Senate history. Filibustering nominations wasn't even permitted until 1949 and the sole judicial nominee stopped by a filibuster was Abe Fortas, LBJ's nominee for Supreme Court Chief Justice, who faced charges of corruption. Meanwhile, the Democrats are just warming up. A third appeals-court filibuster looks likely this spring, and a Supreme Court filibuster could be next if there's a vacancy this summer.

The system for confirming judges is clearly broken. Democrats are playing politics with Senate rules, but they now profess shock and outrage that Republicans want to play politics too and reform the filibuster rules being abused. Sounds to us as if Republicans are on to something.

[From the Wheeling News Register Intelligencer, Sept. 8, 2003]

TIME FOR FILIBUSTER RULES TO CHANGE

Miguel Estrada, whose nomination to the U.S. Court of Appeals was bottled up by hyper-partisan Democratic opposition for more than two years, decided to get on with his life and withdrew himself from the nomination process.

It should not have shocked Republicans to see their liberal colleagues play hardball on judicial nominations. Democrats have been doing it since the Reagan administration. Teddy Kennedy and friends undoubtedly are astonished to encounter a GOP Senate leadership so feckless that it has allowed them to get away with imposing an extra-constitutional 60-vote supermajority requirement on judicial nominations, by using the filibuster technique to stall a vote on Estrada. It takes 60 votes to end a filibuster, and Senate leaders no less than seven times mounted ''cloture'' votes to ''end debate,'' each time coming up short.

But they never forced Democrats to take to the Senate floor to expound at length about their opposition to Estrada or any of the several other nominees now subject to powder-puff filibusters. All a senator need do these days is threaten a ''filibuster,'' and—presto!—60 votes are required to accomplish anything. The ''filibustering'' senators need not worry about actually having to publicly defend their position on the Senate floor.

Yes, long gone are the scenes from Frank Capra films in which senators lose their voices trying to keep the floor to maintain filibusters.

While Republicans have control of the Senate, they should put an end to this practice that allows the will of the minority to prevail without any effort being put into it.

The practical effect of GOP leaders allowing the minority to so easily impose a 60-vote supermajority means there's a new set of litmus tests for the courts: No judge may be confirmed unless he or she agrees with the Senate's left wing.

Now that there's nomination blood in the water, Republicans can expect a lot more bare-knuckle torpedoing of President Bush's

judicial nominees unless Republicans are willing to actually get a little political dirt under their fingernails. And maybe even—gasp!—sacrifice an all-nighter on the Senate floor by making the ''filibusterers'' actually filibuster. If they want it badly enough, they should have to work for it.

[From the Grand Forks Herald, Mar. 13, 2003]

CALL END TO FILIBUSTER

(By Tom Dennis)

Our View: Don't set a new constitutional standard of demanding a supermajority vote.

North Dakota's congressional delegation has to walk a political tightrope. Sens. Kent Conrad and Byron Dorgan and Rep. Earl Pomeroy are Democrats, while North Dakota itself trends heavily Republican. The GOP's supermajorities in both houses of the state Legislature, plus the fact that voters chose Republicans for president in 1992, 1996 and 2000, illustrate this.

But the delegation not only has walked that tightrope, it has done handstands and even an occasional flip. All three members are masters of wrangling federal dollars for North Dakota projects. Furthermore, they've chosen their party-line issues with care, voting with the Democrats on the budget but showing more independence on some social and environmental issues.

The Miguel Estrada filibuster in the Senate, however, may change that perception.

Because the filibuster is as nakedly partisan as an issue gets.

Estrada is President Bush's candidate for the District of Columbia Circuit Court of Appeals. He's a Harvard Law School graduate who clerked for a Supreme Court justice, worked in the U.S. Solicitor General's office, argued cases in front of the Supreme Court, earned the top ranking of ''well qualified'' from the American Bar Association—and didn't speak English when he immigrated to the United States from Honduras, to boot.

Fifty-five senators (including four Democrats) support his nomination. But the other 45 Senators won't let it come to the floor for a vote. They've invoked a filibuster. They say they're doing it because Estrada hasn't answered enough questions, but that's patently false. Senators know as much or more about Estrada as they have about most nominees. Furthermore, when given the chance to ask Estrada more questions in writing, not one Democratic senator took the administration up on its offer.

No, the transparent reason for the filibuster is that Estrada's a conservative Hispanic lawyer who has a shot at being named to the U.S. Supreme Court.

And for the left wing of the Democratic party, that's do-or-die unacceptable.

Conrad and Dorgan should distance themselves from this scorched-earth tactic. The Constitution gives the president the power to appoint ''with the Advice and Consent of the Senate . . . Judges of the supreme Court and all other Officers of the United States.'' It does so in the same paragraph in which it lists a special power demanding a two-thirds majority Senate vote—namely, the power to ratify treaties.

The Founding Fathers could have held judicial confirmations to that higher standard. But they didn't. Clearly, they intended judges to be confirmed by a simple Senate majority. Just as clearly, 200 years of Senate practice call for the same thing.

The GOP won its Senate majority fair and square. The filibustering Democrats smack of being spoilers when they obstruct majority rule, especially because their objection in this case is not based on truth, justice or the American way, but on politics.

Fifty-five duly elected United States senators are willing to give Estrada the nod. That's enough.

Let his nomination come to the floor, and call the vote.

[From the Buffalo News (New York), Mar. 19, 2003]

LET'S CHANGE RULES THAT HANG UP JUDICIAL NOMINEES

Senate rules are an important part of American political tradition, worthy of respect. Ditto for the constitutional process by which the Senate confirms federal judges. The abuse of one must not be allowed to undermine the other. But that is precisely what is happening. No matter which party controls the Senate gavel, when it comes to confirming judges, those in power too often behave reprehensibly.

Senators grandstand and play games. They distort nominees' records and views, misrepresent their positions and malign them with words like ''extremist.'' It is no wonder there is such a high number of judicial vacancies at the federal level. . . .

The system is flat broken. And, finally, last week, thank goodness, someone said so. President Bush is justifiably upset at how Democrats have abused the filibuster to thwart the nomination of Miguel Estrada. . . .

Now the president proposes something drastic: amend the Senate rule book to require that, no matter which party controls the White House or Senate, all federal judicial nominees get an up-or-down vote. The practical application would be to eliminate the filibuster with regard to judicial nominees. Wow. It's not every day the president wants to tinker with Senate tradition. . . . Thank goodness.

But the status quo is unacceptable. If Democrats have other ideas, let's hear them. If not, Americans should push the Senate to embrace Bush's suggestion. . . .

[Las Vegas Review Journal, June 20, 2003]

ADVICE AND CONSENT

Has the fact that presidents of the United States appoint the justices of the U.S. Supreme Court now become such an obscure factoid that it's about to be relegated to an answer in the new edition of ''Trivial Pursuit''?

Apparently the Democrats think so.

Since the nation's founding document says the president ''shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Supreme Court,'' Democratic Sen. Patrick K. Leahy of Vermont, on behalf of fellow Senate Judiciary Committee member Charles E. Schumer of New York and others, wrote to the president on June 11, offering to help Mr. Bush choose his next high court ''nominee or nominees.'' There is speculation that one or more member of the current court may step down after the current term.

The offer sounds conciliatory on its face—after all, wouldn't it be better for everyone to get together and choose a consensus candidate beforehand, rather than subject a string of nominees to hostile questioning and ultimate rejection on political grounds?

The ''advice and consent'' clause might indeed lend itself to such a novel reading—if the Senate were overwhelmingly held by a party diametrically opposed to the president's philosophical leanings.

But if this has never been the procedure in times when the government was thus implacably divided, why on earth should it be adopted now? It's not as though Sens. Leahy, Schumer and Barbara Boxer of California represent the majority in the U.S. Senate. In fact, their current efforts to bottle up Mr. Bush's fully qualified appellate court nominees appear desperate and divisive precisely because most of those nominees would be quickly confirmed if an open vote were allowed on the Senate floor—precisely as the founders intended.

Rather, a small minority of these aging warhorses of the failed policies of Lyndon Johnson's Great Society now use the arcane and Byzantine rules of the Senate to keep those nominations from coming to the floor.

''I am astounded by those letters. Does Charles Schumer think he is the president?'' law professor John Eastman told The Los Angeles Times.

Of course, there's a knife concealed in the folds of the Democrats' proffered ''gift.'' The implication is that—if they are not given this extraordinary power to hand the president their own list of suitably liberal nominees, or to strike names of known constitutionalists off any list the president may have in hand—they might even filibuster a nomination to the Supreme Court.

Wisely, Mr. Bush has now called that bluff.

White House counsel Alberto R. Gonzales replied in a letter to Senate Democrats Wednesday that, ''If a Supreme Court vacancy arises during his presidency, President Bush will nominate an individual of high integrity, intellect and experience,'' whereupon ''the Senate will have an opportunity to assess the president's nominee and ... to vote up or down.''

Will the last ponderous graybacks of the New Dealers' aging herd squander their remaining political capital attempting a last hurrah—lining up for a first-in-history filibuster designed to prevent the entire Senate from voting on the confirmation of a chief justice? It would be interesting to watch them try.

[From the San Diego Union Tribune, Sept. 8, 2003]

BATTLE OVER JUDGES—WITH ESTRADA OUT, SENATE MUST END TURMOIL

The battle between Democrats and Republicans in the Senate over President Bush's judicial nominees may be the stuff of interesting politics. But while this continuing controversy makes for a potentially potent campaign issue, it makes for bad government. After last week's withdrawal of Miguel Estrada for consideration to the U.S. Circuit Court of Appeals, antagonism in the Senate is only likely to grow.

Estrada, nominated to the appeals court more than two years ago, had become the focal point of the controversy because Democratic senators had used the filibuster seven times to block votes by the full Senate on his nomination. If the Senate had been allowed to vote on Estrada's nomination, a majority would have confirmed him. But under Senate rules, 60 votes are needed to break a filibuster in the 100-member chamber. The motions to end the filibuster never received more than 55 votes.

In addition to Estrada, Democrats have blocked the nominations of Alabama Attorney General William Pryor to the 11th U.S. Circuit Court of Appeals, which sits in Atlanta, and of Texas Supreme Court Justice Priscilla Owens to the 5th Circuit, which sits in New Orleans. Other filibusters are likely, including one over Bush's appointment of Los Angeles Judge Carolyn Kuhl to the 9th Circuit Court of Appeals, which covers California and other Western states and territories.

But while Republicans put forth strong and justifiable arguments over Democratic abuse of the filibuster, which allows a minority to thwart the will of the majority, antagonism over judicial nominees did not start with President Bush's nominees. While one could go back to President Reagan's 1987 nomination of Robert Bork to the U.S. Supreme Court and his ultimate rejection by a Democratic Senate, the real battle started during

the Clinton administration. During those years, even single senators, using a ''blue slip,'' could block nominees. At least two nominees to the court on which Estrada was to sit were blocked in this manner.

Overall, nominees during the first three years of the Bush administration and the first three years of the Clinton administration have been confirmed at about the same rate. So far, the Senate has confirmed 145 of Bush's appointments, 27 of them to the appeals courts, even though the discourse has grown more strident.

In the interest of good government, a few senators have talked of possible compromise, but nothing workable has yet been put forward. Any compromise obviously would have to involve the White House, and so far both the administration and senators from each party are standing their ground.

But what's at stake here is the independence of the federal judiciary and the public's respect for that branch's interpretation of the laws Congress passes and the president signs. If the Senate continues to fight over nominees, and nominees are viewed as more political, there is a danger that the public perception of judges who are eventually seated could be tarnished. That would be disastrous for our system of law and order. For this reason, and for others, both sides must end this rancor.

Mr. HATCH. These may be their reasons, but there are no excuses. At the mere suggestion of abandoning the Senate's tradition regarding judicial nominations when President Clinton was in office, former Democratic Leader Tom Daschle said, ''I find it simply baffling that a Senator would vote against even voting on a judicial nomination.'' That should be our response today as Senators on both sides of the floor.

Last week here on the Senate floor, the distinguished Senator from West Virginia made his case against returning to Senate tradition regarding judicial nominations. I respect him. I have a lot of regard for him, but I have to confess I was surprised that someone with such knowledge of the traditions and rules of this body would appear so willing to abandon tradition.

He equated the filibuster with the Senate itself. He equated filibustering judicial nominations with filibustering legislation and concluded that returning to our tradition regarding judicial nominations would be an attack on the Senate somehow. I would like to address each of these elements because I do not believe they can withstand fair scrutiny.

First, my friend from West Virginia argued that the Senate was designed from its very inception as a place of absolutely unfettered and completely unlimited debate. As such, he argues, any limitation of debate strikes at the very heart of the institution itself. Yet in the second volume of his own history of the Senate, he writes on page 115:

It is apparent that the Senate in the First Congress disapproved of unlimited debate.

The original rule IV prohibiting a Senator from speaking more than twice in any one debate on the same day without leave of the Senate remains in only slightly modified form as our rule XIX today. Even more significantly, rule VIII in the first Senate provided for a majority to proceed to a vote by calling the previous question.

Coupled with the Founders' expressed commitment to majority rule, these facts demonstrate that even with regard to legislation, the possibility of preventing final action through extended debate was not created by original design. It arose by default through dropping that previous question rule in 1806.

It would still be decades before Senators who sought to protect the institution of slavery would discover they could use this procedural loophole to their advantage and, of course, the filibuster was born. Its twin, however, was a parallel and ongoing effort at filibuster reform by which we have actively sought properly to balance the minority's right to debate and the majority's right to decide. The solution we seek today is part of that ongoing effort.

The Senator from West Virginia next equated filibusters of judicial nominations with filibusters of legislation. His policy arguments in favor of the filibuster, however, apply only to the legislative process. He said, for example, that without the filibuster ''there exists no leverage with which to bargain for the offering of an amendment. All force to effect compromise between the parties will be lost.''

I note that in previous debates about filibuster reform, such as in 1975, Democrats, such as the senior Senator from Massachusetts, Mr. KENNEDY, offered this very same argument against the filibuster. Still, this notion obviously applies where the Senate either fashions or effects legislation, but it is irrelevant to nominations.

The Senator from West Virginia has long been this Chamber's leading expert on our history and procedure. For that I compliment him. For this reason, though, I was disappointed that he would fail to make such an important distinction between legislative and judicial nomination filibusters, a distinction based on both historical fact and constitutional principle. In other words, there is a difference between the legislative calendar and the executive calendar in the Senate.

The Senator from West Virginia is not the first in the debate over these new judicial nomination filibusters failing to make this critical distinction. Other Democratic Senators, for example, want to use the cup-and-saucer analogy by which George Washington allegedly described pouring hot action from the House cup to cool in the deliberation of the Senate saucer.

As Jeffrey Toobin's recent analysis in the New Yorker magazine points out, however, not only is this story probably apocryphal, but the supposed exchange between Washington and Jefferson specifically focused on, you got it, legislation. In fact, that is the only context in which it makes any sense. If they said it at all, they were talking about the relationship between the two Houses within the legislative branch, not the relationship between the legislative and executive branches.

The distinction between legislative and judicial filibusters is a matter of historical fact. Every example offered last week by my friend from West Virginia involved legislation. He opened and closed his speech by evoking scenes from the classic film ''Mr. Smith Goes to Washington.'' I went back and checked the script. Senator Jefferson Smith in that movie, played by the great Jimmy Stewart, filibustered an appropriations bill. That is legislation.

The example the Senator from West Virginia said was most relevant—President Franklin Roosevelt's proposal to reorganize the judiciary—was also, you got it, legislation. That example is actually not relevant at all, however, because that 1937 legislation was not defeated by a filibuster. The most definitive study of President Roosevelt's plan by Mary McKenna concludes that it did not have majority support in the Senate at all. There was no need for a filibuster. Rather than the majority being stymied in its attempt to pass the bill, the majority—and an overwhelming majority at that—sent it back to committee.

To my knowledge, no Senators are today calling for an end to the legislative filibuster as a group of Democratic Senators did a decade ago. Nine of them, led by the Senator from Iowa, TOM HARKIN, and the Senator from Connecticut, JOSEPH LIEBERMAN, serve in this body today. They argued back then that all filibusters, including those of legislation, unconstitutionally infringe on majority rule. The two Senators from Massachusetts, EDWARD KENNEDY and JOHN KERRY, along with the Senator from California, BARBARA BOXER, the Senator from New Jersey, FRANK LAUTENBERG, the Senator from Maryland, PAUL SARBANES, the Senator from New Mexico, JEFF BINGAMAN, and the Senator from Wisconsin, RUSS FEINGOLD, voted against tabling that proposal.

I find it simply baffling that Senators who once supported abolishing the Senate tradition of legislative filibusters would today support establishing a tradition of judicial nomination filibusters—in other words, filibusters of nominees by the President on the executive calendar, not the legislative calendar.

Ignoring the distinction between legislative and judicial nomination filibusters is necessary for the argument of the Senator from West Virginia, as evidenced when he asked:

If we restrain debate on judges today, what will be next?

Yet for more than a century, filibusters of legislation coexisted nicely with our tradition of giving up-or-down votes to judicial nominations that reach the Senate floor.

Our experience under the current version of rule XXII shows that these two traditions can peacefully coexist. That rule, by the way, was born in 1917

after a filibuster of legislation. We have had the current version of rule XXII since 1975. From 1975 to 2002, the 94th Congress through the 107th Congress, only 3 percent of cloture votes were judicial nominations; 85 percent of those cloture votes passed, and all nominations subject to cloture votes were confirmed.

During the 108th Congress, 49 percent of cloture votes were on traditional nominations. None of them passed, and none of the nominations were confirmed.

I must say, with all due respect to my dear friend from West Virginia, that using the filibuster to defeat majority-supported judicial nominations has not been part of even modern Senate practice, let alone historic Senate tradition.

Let me repeat that. Using the filibuster to defeat majority-supported judicial nominations has not been part of even modern Senate practice, let alone historic Senate tradition.

In his op-ed piece in the Washington Post last week, the Senator from West Virginia ignored our tradition regarding judicial nominations in another way. He argued that by preventing a confirmation vote through a filibuster, the Senate had formally rejected these judicial nominations. How can it be a rejection of judicial nominations when a majority of Senators supports confirmation of each one of those people? Each nominee on whom cloture was not invoked remained on the Senate's executive calendar. Our own rule XXXI states that nominations that are ''neither confirmed nor rejected'' shall be returned to the President. Each of those filibustered nominations was, indeed, returned to the President when the 108th Congress adjourned. By definition, common sense, and our own rules, that means they were not rejected. My friend from West Virginia cannot on the one hand claim these nominations were rejected but on the other hand claim that these filibusters are about deliberation and debate.

Legislative and judicial nomination filibusters are different as a matter of historical fact because they are different as a matter of constitutional principle. Legislation belongs to the legislative branch under article I of our Constitution, while nomination and appointment belong to the President under article II. In Federalist No. 65, Alexander Hamilton wrote that the President would be the ''principal agent'' in appointments. The Senate has an important role of advice and consent that checks the President's appointment power, but we do not control the executive process any more than the President controls the legislative process. We recognize the difference between legislative and executive business when we leave legislative session and proceed to executive session to address nominations we have placed on the executive calendar. My friend from West Virginia, I think, ignored those differences.

Interacting with the executive branch is simply not the same as interacting within the legislative branch. And thus it would seem almost self-evident that procedures we use regarding our authority over legislation might not be appropriate when we affect the President's authority over appointments. We must preserve our tradition that recognizes this constitutional distinction between the executive and legislative branches, between our role of advice and consent on judicial appointments, and our authority over legislation.

The Senator from West Virginia, in my opinion, used an unfortunate analogy in attacking those who would return the Senate to its confirmation tradition regarding judicial nominations. Others, such as the Anti-Defamation League, have strongly objected to his reference to Hitler's Nazi regime for various reasons. My point here is not that. It is different. I object to his claim that returning to our tradition regarding judicial nominations would be an example of ''how men with motives and a majority can manipulate law to cruel and unjust ends.'' There is nothing cruel or unjust about the Senate returning to our traditional advice and consent role regarding judicial nominations.

The Constitution gives the Senate the authority to determine our procedural rules. It was pursuant to that authority that the Senate dropped the previous question rule in 1806, adopted a cloture rule in 1917, and amended that rule several times since.

It was also pursuant to that authority that the Senator from West Virginia aggressively used various strategies to change Senate procedures when he served as majority leader of this body. This includes approaches currently under discussion, such as seeking a ruling from the Senate's Presiding Officer. Though the Senator from West Virginia last week said such an approach would abandon the ''cloak of legality,'' it would simply be following a procedural path that he himself blazed. I was here for part of that.

The Senator from West Virginia said this approach ''seeks to alter the rules by sidestepping the rules, thus making the impermissible the rule.''

Yet the Senate operates on the basis of parliamentary precedents and traditions, as well as by our standing rules, a history my friend from West Virginia helped shape and has been recognized as helping shape those rules.

In 1977, for example, the Senator from West Virginia made a point of order that once cloture has been invoked, the Presiding Officer must rule dilatory amendments out of order. One Senator criticized this strategy as trying to change Senate rules by majority vote during the heat of the debate. That criticism sounds an awful lot like the criticism the Senator from West Virginia leveled last week against those who might take the same approach today. Nonetheless, the strategy succeeded when the full Senate tabled an appeal of the Presiding Officer's ruling in favor of the distinguished Senator from West Virginia.

In 1979, the Senator from West Virginia introduced Senate Resolution 9 to make various changes to rule XXII. He argued that notwithstanding rule XXII's cloture requirement for rules changes, a simple majority could change Senate rules at the beginning of a new Congress. He was right. The current Senate, he argued, is not bound by the dead hand of the past Senate. He threatened that if the Senate did not come to a time agreement for considering his resolution, he would attempt to proceed by seeking a parliamentary ruling.

Also in 1979, the Senator from West Virginia made a point of order that the Presiding Officer, rather than the Senate, as required under our rule XVI, ruled nongermane certain amendments to appropriations bills.

As in 1977, that strategy worked when the Senate tabled an appeal of the Presiding Officer's ruling in favor of the Senator from West Virginia. In 1980, the Senator from West Virginia also secured a helpful parliamentary precedent but from a different procedural direction. He wanted to achieve confirmation for an individual nominee on the Executive calendar.

At that time, while a motion to go into executive session was not debatable, a subsequent motion to proceed to a specific item on the Executive calendar was debatable. On March 5, 1980, the Senator from West Virginia made a single motion for the Senate both to go into executive session and to proceed to a specific nomination. When the Presiding Officer sustained a point of order against this motion, one Senator criticized this attempt to change procedure by majority vote. Nonetheless, the Senator from West Virginia appealed the Presiding Officer's ruling, which was his right to do, and the Senate overturned, supporting the distinguished Senator's majority rule change.

This strategy might be described by some, using the Senator from West Virginia's words last week, as altering the rules by sidestepping the rules. It certainly limited what he now insists would be unfettered and unlimited debate.

In 1987, the Senator from West Virginia secured a parliamentary precedent that obviously dilatory requests by Senators to be excused during a rollcall vote were out of order. This applied the same strategy he had used in 1977, getting the Presiding Officer to rule dilatory tactics out of order, in a new context. Each of these examples has similarities and differences with the current situation.

I offer this detail only to demonstrate that Senate procedures have been changed through parliamentary rulings as well as by formal amendments to the rules themselves. As my friend from West Virginia has demonstrated by pursuing each of these

strategies himself, the Senate can exercise its constitutional authority to determine its procedural rules either way.

He may certainly believe that the changes he sought were warranted while the change we may seek today is not. That is his right, and he can express that right in debate by voting against such a change. But that difference of opinion does not make his attempts to limit debate, even on legislation, right and just while any attempt to do so today on judicial nominations cruel and unjust.

We departed from our tradition of giving judicial nominations reaching the Senate floor an up-or-down vote only 2 years ago. The result has been the Senate's inability to do its constitutional duty of providing advice and consent regarding judicial nominations. We were able to give advice, I presume, but with regard to these 10 nominees we were never able to give consent or not consent, whichever the case may be. And that is done by a vote up and down. It demonstrates that the confirmation process is, in the words of the Washington Post, ''steadily degrading.''

Returning to that tradition of giving up-or-down votes for judicial nominations will not in the long run mean either party will always get its way. Both the executive branch and the Senate do change partisan hands from time to time. This standard, this tradition, knows no party and guarantees no partisan advantage. It applies no matter which party occupies the White House or which party controls the Senate. It would bind Republicans as well as Democrats and preserve our institutional traditions. I hope and believe, however, that restoring this tradition will, despite some Senators' threats to blow up the Senate, help restore some comity and good will to this body.

Returning to that tradition, which recognizes the difference between our authority over legislation and the President's authority over appointments, is not an attack on the Senate; rather, it affirms our traditions and the Senate's unique place in our system of separated powers. Returning to it both respects the President's authority over appointments and asserts the Senate's role of advice and consent, not just advice but consent as well.

A majority of Senators have been deprived of the right to give or not give consent by these irresponsible filibusters of judicial nominations on the Executive calendar. The deviation we have seen from that tradition, wherein a filibuster prevents confirmation of nominees with majority support, undermines the President's authority and distorts the Senate's role. Preserving both of our traditions—extended debate regarding legislation and up-or-down votes on judicial nominations reaching the Senate floor—will restore the proper balance.

There is nobody in this body who respects the distinguished Senator from West Virginia more than I do. I hope we can resolve these matters so both parties are bound by the correct tradition that we are not going to filibuster executive branch nominees and we will both preserve the right to filibuster over the matters we totally control on the legislative calendar. I would fight to my death to preserve rule XXII on legislation because I have also been in the minority from time to time, and it was the only way we could stop some things which would have been just terrible for this country. But there is a difference between the legislative calendar and the Executive calendar.

I respect my colleague from West Virginia. I can truthfully say I love him because he has been a strong force around here for years, but I hope he will look at some of these examples I have given and some of these thoughts I have and help us stop this impasse that is occurring in the Senate, not by preferring one party over the other but by binding both parties to treat Presidential nominations with the respect they deserve.

I have to say I never quite concentrated on this enough until these judicial nominations were filibustered in 2003 and 2004. I myself am to blame for not having thoroughly studied this until these problems arose, but I have now studied it. I believe it would be far better for our Senate to get rid of these animosities and threats to have nuclear warfare and bind both the Republicans and the Democrats in the Senate to do what is right, to give a vote up or down, so that we can not only give advise but consent as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, what is the time that I have under the order?

The PRESIDING OFFICER. The minority controls 14 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that my time may be extended to a total of 35 minutes and that the final 5 minutes be under the control of the distinguished Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

FREEDOM

Mr. BYRD. Madam President, freedom is a fragile thing and never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. Those who have known freedom and then lost it have never known it again. These words come from the lips of former President Ronald Reagan.

I rise today to discuss freedom, not the grandiose worldwide ''freedom talk'' one hears so much about. No. Not far-flung foreign policy goals, but, rather, my concern today is preserving our freedoms right in our own backyard at home.

Freedom, like a good garden, needs constant tending. One must watch for the worms in the wood. As Wendell Phillips, the abolitionist, orator, and the columnist, once said, ''eternal vigilance is the price of liberty.'' One must pay the price if one wants the blessing.

In a culture where sports metaphors are more common public parlance than historical analogies, our unique form of government, carefully restraining powers while protecting rights, presents a special challenge to maintain. The ''winning is everything'' philosophy so beloved by Americans may, without careful balance, obscure the goal of justice for all that must be the aim of a representative democracy. Demeaning minority views, characterizing opposition as obstructionist—these are first steps down the dark alley of subjugating rights.

Majorities can prevail by numerical force. They do not need protection from minorities. Yet some would have us believe that minority voices threaten the larger public good in the case of Presidential judicial appointments. The opposite is true. It is minorities who are most in jeopardy without fairness from the Federal bench. I am talking about those who are in the minority. The persecuted, the disadvantaged, the poor, the downtrodden—these are the very citizens who need the strong protection of an unbiased legal system.

Appointees to the Federal bench should be scrutinized for traces of ideological rigidity or allegiance to political movements which could cloud impartial judgment. I for one do not favor activist judges of any stripe. I do not think the proper role for a judge is to make new law from the bench. My own preference is usually for strict constitutionalists. Conservative judges can hold activist views, just as can liberal judges. Such labels tell us very little. What we should strive for on the Federal bench is blind justice; that is, justice absent a political agenda.

Judicial appointments must never be a sure thing for the bench simply because they please the majority party, whether that majority is Democratic or Republican. Federal judges enjoy life tenure. Remember that. Federal judges enjoy life tenure, making decisions of huge importance to the lives and the livelihoods of our citizens. Are they accountable to anyone? No. They are accountable to no one, and no President can fire them. No President can say: Go home, you are sick today.

It is ridiculous to suggest that mere superiority of numbers in the Senate should alone guarantee confirmation to a Federal judgeship. Such a claim reduces the constitutional advice and consent function of the Senate to a pro forma rubberstamping of Presidential judicial appointments whenever the President's party controls the Senate. We are talking about a separate branch of the Federal Government. We are talking about a separate branch of the

Federal Government here, which wields tremendous power.

There is no God-given right to a seat on the Federal bench—no God-given right. There is no God-given right to a seat on the Federal bench. Should a minority have only the recourse of delay to defeat a judicial candidate of concern, that minority is well within its rights to filibuster. In fact, the minority would be derelict in their duty if they did not filibuster. There is no shortage of candidates for the Federal bench, no shortage. Another name can always be offered. Our aim should be to select excellent judges acceptable across a wide spectrum of political views.

There was a time in this country when men and women of opposite political parties could reason together to achieve such goals. There was a time when the concerns of honorable men and women serving in this Senate received the respect of fellow Members of the Senate, even though they were in the minority. Now I am very sorry to observe the Senate and the country are so polarized—so polarized, so politicized—that nearly all dissent is discarded as obstructionist and politically motivated. ''Get out of the way'' is the cry. ''Get out of the way, get out of the way'' is the cry. Few take the time to consider other views.

If 41 Members of the Senate have objections to any judicial candidate, perhaps those objections should be heeded. Those are 41 Members. Perhaps that nominee should not serve. Forty-one Members, representing at the very least the people of 21 States, at the very, very least. Perhaps the minority is right. Perhaps the minority is right.

Senate service often reminds me of a game of ''red rover.'' We line up like two opposing camps and run as hard as we can at each other to score points. The talk show mavens keep the fires fanned, and through the din, honest discourse is nearly impossible. I worry. Oh, yes, I worry about a country whose major political pastime is not in finding compromise but, rather, in seeking conflict. The people are not well served. The courage to speak out about one's convictions is in scarcer and scarcer supply. Where, oh, where are the 21st century's profiles in courage?

President John F. Kennedy's Pulitzer Prize-winning book ''Profiles in Courage'' lionized public servants who did not fear to stand alone, like Senator George Norris of Nebraska. From 1806 to 1917, there was no ability to invoke cloture in the Senate. Why 1806? Because that was when the rule was dropped from the Senate rules asking for the previous question, which would shut off debate. Therefore, it was really from 1789 to 1917 that there was no ability to invoke cloture in the Senate. But, in 1917, a cloture rule passed after a filibuster by 12 determined Senators who opposed U.S. intervention in World War I. That debate began when President Wilson asked Congress for the authority to arm U.S. merchant ships against Germany. The House of Representatives passed Wilson's bill, the ''Armed Ship'' bill, by a vote of 403 to 13. But a handful of determined Senators who opposed U.S. intervention in World War I, including Republican George W. Norris of Nebraska, launched a filibuster with far-reaching consequences.

George Norris's filibuster killed President Wilson's bill, though Wilson resurrected its contents by Executive order shortly after the filibuster ended.

I was born during the administration of Woodrow Wilson.

Nebraskans and, in essence, all States, the entire nation, were consumed with rage at George Norris because of public disclosure that Germany had promised Mexico several United States States if Mexico would align itself with Germany in war against the United States.

Well, there was a huge din, a huge outcry. The New York Times called Norris and others ''perverse and disloyal obstructionists.'' Does that recall anything of present-day vintage to Senators? The New York Times called Norris and others ''perverse and disloyal obstructionists'' and editorialized that:

> . . . the odium of treasonable purpose will rest upon their names forevermore. The Hartford Courant called them ''political tramps.'' The New York Sun called them ''a group of moral perverts.'' The Providence Journal called their action ''little short of treason'' and the Portland Free Press said they should be ''driven from public life.''

Senator George W. Norris, the Nebraskan from the heart of America, suffered merciless abuse, vicious invective and public scorn, tarred by public sentiment, savaged by a strident press and the grip of a public filled with hate of Germany and the start of World War I. Yet he was and is an American hero. George Norris was ''fearful of the broad grant of authority'' that President Wilson sought to go to war, and resentful of the manner in which that authority was being ''steamrolled'' through the Congress.

Oh, how history repeats itself. How history repeats itself.

In Senator Norris's words:

> I will not, even at the behest of a unanimous constituency, violate my oath of office by voting in favor of a proposition that means the surrender by Congress of its sole right to declare war. . . . I am, however, so firmly convinced of the righteousness of my course that I believe if the intelligence and patriotic citizenship of the country can only have an opportunity to hear both sides of the question, all the money in Christendom and all the political machinery that wealth can congregate will not be able to defeat the principle of government for which our forefathers fought.

That was George Norris speaking.

When George Norris went home to explain why he had filibustered in the face of universal criticism, he sought an open meeting in Lincoln, NE.

''I had expected an unfriendly audience,'' Norris wrote, ''And,'' he said, ''it was with some fear that I stepped forward. When I stepped out on the stage, there was a deathlike silence.''

Senator Norris began, President Kennedy tells us, by stating simply: ''I have come home to tell you the truth.''

After more than an hour, the crowd in Lincoln, NE, Kennedy wrote, roared its approval.

Many have written extensively and with legitimate fear of what could happen if men without the courage of their convictions simply sat back and let themselves be swept away by a powerful majority, including George Orwell, writing of the horrors of power run rampant, of a world run by ''thought police'' who seek to control not just information but the speech and thoughts of every individual citizen. In ''1984'' Orwell recorded what life would be like under the thumb of Big Brother, with no autonomy of thought or speech.

George Orwell's fictional warning against Big Brother should encourage us all to ponder, to cherish and to protect our precious freedom—our precious freedom to think and speak freely. And the means to that end is protecting the right to dissent. Orwell said of liberty:

> If liberty means anything at all, it means the right to tell people what they do not want to hear.

That right will be in jeopardy if a misguided attempt to eliminate the filibuster succeeds.

Robert Caro, winner of the Pulitzer Prize for his renowned book about Lyndon B. Johnson, made Orwell's point in a letter to the Senate Rules Committee in June 2003.

> Many times in America's history the right of extended debate has been used to defend causes with which I profoundly disagree. Nonetheless, great care should be taken in placing new restrictions on that right. Senators who are considering doing so should understand that they will be taking a step that has significant implications for the balance of powers created under the Constitution, and also for another fundamental concern in a democracy: the balance between majority and minority rights.

Caro stressed that the Framers gave the Senate strong protections from transient public passions or executive pressures and that the Constitutional Convention kept the Senate small so that it would have, in Madison's words:

> [less propensity] to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.

Madison believed:

> . . . there are more instances of the abridgement of freedoms of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations.

Madison was right. The loss of freedom will not come as a thunderclap. I say again, the loss of freedom will not come as a thunderclap from Heaven. Rather, if it goes away, it will slip silently away from us, little by little, like so many grains of sand sliding softly through an hourglass.

The curbing of speech in the Senate on judicial nominations will most certainly evolve to an eventual elimination of the right of extended debate.

And that will spur intimidation and the steady withering of dissent. An eagerness to win—win elections, win every judicial nomination, overpower enemies, real or imagined, with brute force—holds the poison seeds of destruction of free speech and the decimation of minority rights.

The ultimate perpetrator of tyranny in this world is the urge by the powerful to prevail at any cost. A free forum where the minority can rise to loudly call a halt to the ambitions of an overzealous majority must be maintained. We must never surrender that forum—this forum—the Senate, to the tyranny of any majority.

When Aaron Burr said farewell to the Senate, he urged the Senate to do away with the Senate rule that would close debate on the previous question. That previous question has seldom been used in the short time. And in 1806, the Senate carried out the will of Aaron Burr.

> This house is a sanctuary; a citadel of law, of order and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution—

This Constitution.

> —and if the Constitution be destined ever to perish by the sacrilegious hands of demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

On March 2, 1805, Aaron Burr stated that prophetic warning.

The so-called nuclear option, if successful, will begin the slow and agonizing death spiral of freedom, speech, and dissent, and it will be witnessed on this floor.

I yield the floor.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. ENSIGN). There is 9 minutes 40 seconds remaining in total to the minority.

Mr. BYRD. I thank the Chair. I believe Senator CARPER is on his way. He wishes to have 5 minutes under the order following my remarks.

The PRESIDING OFFICER. The Senator from Delaware.

JUDICIAL NOMINATIONS

Mr. CARPER. Mr. President, I came to the floor today to talk about bankruptcy reform and the need to enact legislation dealing with bankruptcy reform. Before I do that, given the comments of our esteemed leaders, Senator BYRD and Senator HATCH, I feel compelled to say something first with respect to judicial nominations.

This 109th Congress, in my view, has begun with much promise. We have taken steps to begin to restore a sense of balance in our legal systems—the system of civil justice to make sure that little people harmed by big companies have a chance to band together and be made whole, and at the same time make sure that companies defended in class action lawsuits have a fair trial in a court where the deck is not stacked against them.

We are on the verge of passing significant and needed bankruptcy reform legislation. A conference on energy policy is taking place that will reduce our dependence on foreign oil, which has the promise also of increasing our reliance on renewable forms of energy and cleaning up our air, reducing sulfur dioxide emissions, nitrogen dioxide, mercury, and even carbon dioxide.

We have just reported out of the Finance Committee legislation that will better ensure that work pays more than welfare to help people make that transition from welfare to work. We are close to consensus on overhauling our postal system and taking the 1970s model created under the leadership of Senator STEVENS—who has joined us on the floor—to bring that into the 21st century.

There is much promise. There is much that can be done and ought to be done.

I fear that we are approaching a precipice that we may fall off—both parties, Democrats and Republicans—which is going to render us unable to achieve what I think would be a very fruitful session in this Congress. Reason must prevail here. Democrats will not always be in the minority; the Republicans will not always be in the majority; Republicans will not always hold the White House. We have to figure out some way to work through our divisions on the nomination of judges.

It is sort of ironic in the first term of President Bush's administration that 95 percent of his nominees were approved, compared to President Clinton's success rate of about 80 percent over the 8 years he served.

We need to be able to establish a system of checks and balances. We don't want to be obstructionists; we don't want one party to basically call the shots in the executive and legislative branches, and stack the decks in our courts.

I encourage our leaders, as I have done privately, Senator REID and Senator FRIST, to sit down—if they have done it, to do so again—and have a heart to heart.

I urge colleagues on both sides of the aisle who want this place to work, who want us to do the people's business, to work and find a way out of this bind.

BANKRUPTCY REFORM

Mr. CARPER. Mr. President, I want to take a few minutes to talk about bankruptcy reform legislation.

Much has been said about the bill that is before us. Let me say a few things as well.

Two years ago, roughly 83 Senators voted in favor of an overhaul of our Nation's bankruptcy laws. As you may know, under current law, people who do not have the ability to pay their debts can go into chapter 7 and their debts are largely forgiven. They may have to turn over some of their assets. That is chapter 7. If the court of bankruptcy believes a family has the ability to repay some of their debts, they go into chapter 13, if a payment schedule is worked out.

Concerns have been raised, justifiably, over the last decade or more that some people who have the ability to repay don't; they simply run up their debts and walk away from those obligations, and, frankly, leave the rest of us having to pay more interest on the consumer debt we acquire and to pay more for the goods and services we buy.

Bankruptcy laws exist for a good purpose. People do have disasters that come into their lives; marriages end, serious health problems occur, and people lose jobs. For those reasons, we have bankruptcy laws. Most people who file for bankruptcy are not trying to defraud anybody. They have a genuine emergency, or a huge problem in their life, and they need the protection of the bankruptcy court. That is why we have those laws.

There is a principle, whether you are for this bill or not, that I think we can all agree on. That principle is simply this: If a person or a family has the ability to repay a portion or all of their debts, if they have that financial wherewithal, they should repay a portion or all of their debts. If a family doesn't have that wherewithal to pay or begin repaying their debt, they should be accorded protection of the bankruptcy court. That is it; it is that simple.

The legislation we have before us is an effort to try to codify that principle, and to improve on the system today where too many people, frankly, have abused that system.

Much has been said about credit card banks and putting credit cards in the hands of people, encouraging them to use them. I have heard from my credit card banks. They would like to see this legislation adopted. I have heard more from my credit unions in Delaware than I have from the credit card banks, saying there is a problem and it is one that we need to address.

I want to consider for a moment what will happen, or continue to happen, if we don't enact this legislation.

No. 1, some people who ought to be repaying a portion of their debts do not.

No. 2, the folks who ought to be receiving childcare from parents who are not anxious to meet that obligation will not receive that childcare payment. Their biological parent will file for bankruptcy in an effort to avoid making that childcare payment, or to make an alimony payment. In fact, the way the current law is structured, when somebody is in a position to start paying their responsibilities or obligations, legal fees come ahead of childcare and come ahead of alimony. That is wrong.

Today, under current law, a wealthy individual in a State such as Florida or Texas can go out, if they are a millionaire, and take those millions of dollars and invest that money in real estate, a huge house, property, and land in the

State, file for bankruptcy, and basically protect all of their assets which they own because of a provision in Florida and Texas law. Homestead exemptions exist in other States as well. People can put money in trusts today and tomorrow file for bankruptcy and know that all the millions of dollars they put in those trusts can be protected from bankruptcy. That is wrong.

With the legislation we have before us, someone has to figure out that 2½ years ahead of time people are going to want to file for bankruptcy and be smart enough to put the money into a home, or an estate, or into a trust—not something you can do today—and file for bankruptcy tomorrow; or this year and file for bankruptcy next year or the next 2 or 3 years, or 3½ years. It is a much better approach. I, frankly, would like to see a cap on the homestead exemption. I voted for one yesterday. It didn't prevail. It should have.

What is in this current bill is a heck of a lot better than it is in the law that exists today. Here is how this bill would work. For people whose median family income is under 100 percent of median family income, those families for the most part will be able to file for bankruptcy and go into chapter 7 bankruptcy without a whole lot of fuss.

What is median family income? In my State, it is about $72,000. Nationally, median family income is about $65,000 for a family of four. It varies from there. It can be as low as $48,000 or $49,000 for a family of four in Mississippi, up to $80,000 in States such as Connecticut and others. But it is a range from the high forties to the low eighties for median family income.

For folks whose income is below 100 percent of median family income, they go into chapter 7 pretty much without a lot of dispute. However, for those families whose income is above median income, above $72,000, they would have to go through a means test. That is not a bad thing to do.

The PRESIDING OFFICER. The Senator's time has expired.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 26, which the clerk will report.

The legislation clerk read as follows:

A bill (S. 26) to amend title II of the United States Code, and for other purposes.

Pending:

Kennedy (for Leahy/Sarbanes) amendment No. 83, to modify the definition of disinterested person in the Bankruptcy Code.

Dodd (for Kennedy) amendment No. 69, to amend the definition of current monthly income.

Dodd (for Kennedy) amendment No. 70, to exempt debtors whose financial problems were caused by failure to receive alimony or child support, or both, from means testing.

Akaka amendment No. 105, to limit claims in bankruptcy by certain unsecured creditors.

Feingold amendment No. 90, to amend the provision relating to fair notice given to creditors.

Feingold amendment No. 92, to amend the credit counseling provision.

Feingold amendment No. 93, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance.

Feingold amendment No. 95, to amend the provisions relating to the discharge of taxes under chapter 13.

Feingold amendment No. 96, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13.

Talent amendment No. 121, to deter corporate fraud and prevent the abuse of State self-settled trust law.

Schumer amendment No. 129 (to Amendment No. 121), to limit the exemption for asset protection trusts.

Durbin amendment No. 112, to protect disabled veterans from means testing in bankruptcy under certain circumstances.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 70.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I want to talk about the most vulnerable people who go into bankruptcy; they are single women with children. There is $95 million a year in unpaid alimony and child support. When these women marry—or divorced women end up in bankruptcy, they end up in the harsh provisions of this legislation. That is wrong. These are people who are trying. They are working hard. They are playing by the rules, and they wouldn't be in bankruptcy if their husbands had paid. Why we ought to treat them harshly as this bill does is wrong.

This amendment which I have introduced with the Senator from Connecticut, Senator DODD, makes sure that we are going to treat them fairly under this provision.

I hope the Senate will accept it.

I yield 30 seconds to the Senator.

Mr. DODD. Mr. President, I thank the Senator from Massachusetts. He makes a point. Next year, more than 1 million single women will file for bankruptcy in the United States. Most of them are women with children, significant numbers of children. This is far too harsh for this constituency.

We urge adoption of the Kennedy amendment. It is only right and only fair and ought to be done to provide relief to these people under the bankruptcy system.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand the vote is about to start. I yield back all of our time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to Kennedy amendment No. 70.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced —- yeas 41, nays 58, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—41

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Chafee	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—58

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Biden	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Carper	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Johnson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Clinton

The amendment (No. 70) was rejected.

AMENDMENT NO. 69

The PRESIDING OFFICER. There will now be 2 minutes of debate on Kennedy amendment No. 69.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the next 2 votes be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, workers in this country have hit a perfect storm with the decline in manufacturing, the outsourcing of jobs, and the increasing of part-time work. This has fallen disproportionately on African Americans and Latinos. The unemployment rate for Latinos has increased by 40 percent in recent years. It has increased by 31 percent with African Americans. If you are a Latino homeowner, you are 250 percent more likely

than White homeowners to go into bankruptcy. African-American homeowners are 690 percent more likely to go into bankruptcy.

All this amendment says is that those individuals can still go into bankruptcy, but they will not be caught up in the harsher provisions of this bankruptcy act. It would be enormously unfair, unjust, and discriminatory. That is what this amendment does.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. I yield back the time on this side.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to Kennedy amendment No. 69.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—41

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—58

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bingaman	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Johnson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Clinton

The amendment (No. 69) was rejected.

AMENDMENT NO. 105

The PRESIDING OFFICER (Mr. GRAHAM). There will now be 2 minutes of debate equally divided on the Akaka amendment No. 105.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, the bankruptcy bill does not allow consumers to declare personal bankruptcy, in either chapter 7 or chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within 6 months of filing for bankruptcy.

About one-third of all credit counseling consumers enter into a debt management plan. In exchange, creditors can agree to offer concessions to consumers to pay off as many of their debts as possible. However, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling.

My amendment would prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in credit counseling.

As a show of support for the effectiveness of sound consumer credit counseling, especially as an alternative to bankruptcy, credit card issuers should waive the amount owned in interest and fees for consumers who enter a consolidated payment plan. Successful completion of a debt management plan benefits both creditors and consumers. For many consumers, paying off debt is not easy, and my amendment seeks to help these struggling individuals.

I encourage my colleagues to support this amendment to help consumers enrolled in debt management plans to successfully repay their creditors, free themselves from debt, and avoid bankruptcy.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the amendment of the Senator from Hawaii is dressed up as a credit counseling amendment, but it would cause havoc in our modern consumer credit system. It requires that a lender stop charging interest on the outstanding debt of any bankrupt debtor who participates in a debt management program. The practical result is that lenders are forced to either waive further payments on an extension of credit or have the debt discharged in bankruptcy. This will not be good for the consumer, the borrower.

This is a sweeping change in modern banking practices. We have had no hearings in the Senate Banking Committee. I ask my colleagues to oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to Akaka amendment No. 105.

Mr. AKAKA. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER (Mr. MARTINEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—38

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Conrad	Kohl	Reid
Corzine	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar
Dodd	Leahy	Sarbanes
Dorgan	Levin	Schumer
Durbin	Lieberman	Stabenow
Feingold	Lincoln	Wyden
Feinstein	Mikulski	

NAYS—61

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Baucus	Dole	Nelson (NE)
Bennett	Domenici	Roberts
Biden	Ensign	Santorum
Bingaman	Enzi	Sessions
Bond	Frist	Shelby
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burns	Gregg	Specter
Burr	Hagel	Stevens
Carper	Hatch	Sununu
Chafee	Hutchison	Talent
Chambliss	Inhofe	Thomas
Coburn	Isakson	Thune
Cochran	Johnson	Vitter
Coleman	Kyl	Voinovich
Collins	Lott	Warner
Cornyn	Lugar	
Craig	Martinez	

NOT VOTING—1

Clinton

The amendment (No. 105) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. TALENT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent the Senate now stand in a period for morning business until 2 p.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak in morning business up to 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTHEAST ASIA

Mr. BOND. Mr. President, in past weeks I have come to the floor to report on the tremendous job that America and other allies did in assisting relief from the devastating tsunami that struck in Indonesia, Malaysia, and Thailand last December. Later I spoke about the very promising development of broad-based support for moderate Islam among leaders in Southeast Asia. The constructive work being done there is an extremely important counter to the Wahabiism strain of Islam teaching which subverts the teaching of a peaceful religion to promote terrorist attacks on any and all

who are regarded as infidels. In addition, Hadhari, or ''civilization'' Islam, preaches fair and equal treatment for women and tolerance of views of other religions.

As former President Richard Nixon detailed in one of his last books before his death, developing strong and supportive relationships with moderate Islamic countries is of critical interest to the United States. He had warned of the dangers of radical Islam teachings even before we experienced the overseas terrorist attacks against Americans in the 1990s, culminating in the massive attacks of September 11, 2001, on our homeland.

In this area, former President Nixon was prescient, and laid out an important principle for us to follow today. With Southeast Asia and its large Muslim population as the second front in the war on terror, we have the opportunity through constructive engagement to help those countries win their wars on terrorism without the need for massive military actions such as we have undertaken in Afghanistan and Iraq to root out governments that harbor terrorists.

As President Bush said in his State of the Union speech, fostering and encouraging the development of democratic, free societies throughout the world is not only an humanitarium imperative for us, it is also in our own security interest because free governments, democratically elected, as much less likely to engage in aggressive military action against their neighbors, and threaten peace and security in the world. In addition, with the proper diplomatic, economic, and strategic support, we can help those governments as they fight to eliminate the threat of terrorist activities within their borders.

In a region previously dominated by monarchies, communist rule, and autocratic governments, democracy is making strides in Southeast Asia. As in all evolutions of democratic societies, the progress is not without its stumbles, its reverses, and occasionally undesirable results from the democratic process. Southeast Asia still has significant problem areas where democracy and human rights are not flourishing. As Natan Sharansky has said in his book The Case for Democracy, and in his presentation to Senators here in the Capitol on February 9th, the difference between a free society and a fear society can be measured by the town square test. Can a citizen go to the town square and express opposition and criticism of the government without fear of reprisal?

Southeast Asia has glaring examples of the fear society, which is the opposite of the free society in Sharansky's terms. Communist North Vietnam has shown some interest in economic development and some tolerance of free markets, but it is far from a free society. According to the measurements of Freedom House—which views political and civil freedoms—other countries regarded as not free are Laos, Cambodia, and Brunei. The worst offender in the Freedom House rankings, and in my own view, is the state of Myanmar, which we previously knew as Burma. That country has gained international attention for its arrest, imprisonment, and abuse of Aung San Suu Kyi, that country's leading political opposition leader.

Most recently, Thailand—among the most free and open societies in all of Asia—overwhelmingly re-elected the government of Prime Minister Thaksin Shinawantra, a very successful business man with strong managerial skills. Personally, I was relieved to see that apparently there was no weight given to his opponent's charges that I personally had lobbied Thaksin and convinced him to allow the introduction of biotechnology through genetically modified food products into Thailand. In truth, on my visits to Thailand with world renowned plant biotechnology leader, Dr. Roger Beachy of the Danforth Plant Science Center in Saint Louis, Missouri, we and our Ambassador discussed with the Prime Minister making available the resources of our bio-technology regulatory agencies in the U.S. so that Thai scientists and officials would have the technical capacity to make judgments for themselves about the safety of proposed biotechnology plantings and GMO food products, which hold tremendous promise to cure crop and plant disease in Southeast Asia, to feed the countries throughout the world and perhaps deliver vital vaccines to less developed countries.

In Indonesia, the voters have elected a new President Susilo Bambang Yudhoyono who is committed to operating a corruption-free government, dedicated to recognition of human rights, free markets, and civilian control of the military with full protections for the civilian population. It is worth noting that the President, popularly known as SBY, participated in the last International Military Education and Training program—IMET—with our military at Fort Leavenworth, KS before Congress effectively cut off IMET participation for Indonesia military leaders. He also received a Masters' Degree from Webster University in Kansas City, MO. In Malaysia, the newly-elected Prime Minister Abdullah Badawi—of whom I spoke previously—noting his support for Hadhari Islam, has taken steps to rid his government of the favoritism and corruption of the previous administration, which sapped the economic growth potential of that very prosperous country.

In the Philippines, popularly-elected President Gloria Arroyo is facing challenges within her own government, but she has been democratically elected and brought major change in the life of that country following the corruption and abuses of Ferdinand Marcos.

Singapore has a new Prime Minister, Lee Hsien-Long, who is the son of the long-time ruling figure in Singapore, Lee Kuan Yew, now known as the Minister Mentor. Although some have charged that it is highly unlikely that the people of Singapore could choose a candidate not associated with the Ruling Party, I believe that Singapore would pass Natan Sharansky's test of a free society rather than a fear society on the town forum test. In addition, Singapore has been one of our staunchest allies strategically, economically, and in the war on terrorism. When the United States military forces were booted out of the Philippines, Singapore responded by developing a deep-water port where our large warships could dock and refuel and resupply. They moved very swiftly to crack down on terror rings including the very dangerous Jemaah Islamiyah, JI, when they discovered threats against United States and Australia Embassies in that country. In addition, we have recently completed the first Free Trade Agreement in Asia with the Singaporeans.

In addition to supporting democracies and free societies and fighting terrorism, the United States has a very significant strategic interest in Southeast Asia. As many leaders in that region have told me, privately, they are concerned that the United States active engagement and association with those countries is essential to stop China from extending hegemony over the region. China has made many moves recently economically to gain control over the markets of Southeast Asia with offers of free trade and other inducements. In addition, China has flexed its muscle in the region by military maneuvers in the South China Sea to lay claim potentially to the significant petroleum reserves in that area.

States of Southeast Asia, notably Indonesia, Singapore, and Malaysia, control the important Malacca Straits through which one quarter of all the shipping in the world passes, and one half of the petroleum products carried by ocean-going vessels pass.

The Southeast Asia nations which have been generally supportive of the United States stand in contrast to the People's Republic of China, which has long opposed our efforts against terrorism and may be engaging in proliferation of nuclear and missile technology. The influence of China can be seen already in support for lifting United Nations sanctions and the Arms Embargo of China. There are many who feel that China may be building military capability which could be a threat to world peace and security as well as to the United States—all the more reason to prevent excessive China influence or control in Southeast Asia.

In addition to our strategic interests, Southeast Asia is a very important economic trading partner for the United States. Malaysia is our tenth largest export market and ASEAN has passed Japan and is now the United States' third largest trading partner; two-way trade stands at $120 billion. In 2003 United States exports to Singapore

were $19 billion, to Malaysia over $17 billion. Although Thailand with $6.8 billion imports from the United States, the Philippines with $5.4 billion, and Indonesia with $2.8 billion, are relatively smaller, they also offer opportunities with economic progress to be much more significant trading partners with us.

Farmers in Missouri and throughout the Midwest felt the severe pain of the collapse of the Southeast Asia markets in 1997 and in 1998. Our previous $12 billion a year agricultural exports in the mid-1990s dropped to almost nothing during that period. The impact of that on farm prices in the agricultural heartland was extremely harsh. Farmers suffered significant losses of income, and rural communities dependent upon agriculture felt the pain, everywhere from equipment dealers to retails stores. Missouri farmers have been very relieved to see the economies, and, thus, the demand for agricultural products recover in the ASEAN region.

At the same time we have good economic ties with the region the United States has image problems that cannot be ignored. The problems with the United States start with its support for Israel in its battle with the Palestinians and its invasion of Afghanistan and Iraq. This has brought great concern in Muslim countries and the former Malaysian Prime Minister, Mahathir Mohammed—the first Muslim to come to his United States Embassy to register his sympathies after the September 11, 2001 attack—became an even harsher critic of the United States when we took the battle against terrorism to Afghanistan and then to Iraq. Previously, I and other members of the Senate, had heard him deliver in the mid-1990s stinging criticism of the United States and other peoples with light skin—especially Jews—for currency manipulation which he felt had brought on the collapse of the Thai baht which triggered the Asian economic collapse and problems with his currency in Malaysia.

There is also the inevitable reaction against a very large and powerful country when we have a presence in the region such as we did during the tsunami relief efforts. At the time we deployed our aircraft carrier strike force with the helicopters and marine copter ship with troops to the region, a very good friend of America in the region told me the United States needed to ''tiptoe'' coming into the region. I noted to him it was difficult to tiptoe when you have to bring an aircraft carrier strike force with helicopters into a region to provide the airlift and the personnel needed for vital relief. I noted his concerns and passed them along to our forces who did leave as soon as the mission was completed.

Our friend also suggested the U.N. should play a larger role or at least be perceived as playing a larger role. Upon investigation I learned that might be rather difficult. The first appearances of the U.N. officials in the region were to hold news a conference to criticize the United States for doing nothing. As we would say back home, they came with big hats but no cattle.

Some 17 days after the tsunami, the first U.N. operation, a World Health Organization medical team, showed up and our airlift transported him to the site where they set up operations. The fact remains that the United States and allied governments in the region and volunteer forces were the ones who arrived at a critically important time to save the lives of perhaps tens of thousands who lived through the tsunami but were threatened by death and disease or starvation.

Within 6 days of the tsunami, Navy and Marine helicopters were delivering lifesaving food, water, and medical attention to isolated areas all along the west coast of northern Sumatra.

I might also say there is a perceived racist undertone and some resentment of the United States. As I mentioned, in 1996 I was part of a Senatorial delegation attending the Asia Pacific dialog conference in Malaysia. Unfortunately, we had to sit through a 25-minute attack by Prime Minister Mahathir who placed the problems of his country at the feet of Jews, Americans, and other Caucasians who he said did not care about brown-skinned people—obviously, a very unpleasant message. At least one of my colleagues vowed he would never travel halfway around the world again to hear such accusations.

The larger problem, of course, in the Muslim region has been the United States support of Israel and the conduct of the wars in Afghanistan and Iraq where many are concerned that the United States is conducting war on Islam, not on radical terrorists. These concerns have been partially and somewhat temporarily relieved by the extraordinary tsunami relief effort, but the scholars in the region, people whose judgment I respect, think this improvement will not last long without significant continuing efforts.

As I have said, the most obvious problem we have with Indonesia has been a congressionally imposed restriction on military assistance in Indonesia. These restrictions were first imposed in response to abuses by the Indonesian military, TNI, during the 1990s in brutally repressing the unrest in East Timor, leading to the establishment of a separate state in East Timor. Subsequent human rights abuses occurred in other areas under the authoritarian rule of President Suharto. But with a newly elected President SBY, who is working to gain control over the military and install appropriate respect for human rights and civilian control of the military, the time has come, in my view, to assist in that effort by reestablishing full participation for the Indonesian military and our International Military Education and Training Program.

Secretary Rice has taken the first step by clearing the way for resumption of full IMET participation by Indonesia. ''IMET for Indonesia is in the United States' interests,'' Secretary Rice said to the Committee on Foreign Affairs. I agree. I look forward to working with her and this body to expand the opportunity for IMET training.

Not only, however, are we missing an opportunity to help Indonesia on its path to appropriately constrain military force, the sanctions have raised strong reactions from democratically elected members of the Indonesia parliament. Defense Minister Sudarsono stated that if the United States does not change its position, Indonesia would look elsewhere for assistance and alliance. Some members of parliament urged him not to solicit or accept the United States' assistance, but their position, fortunately, still does not appear to be the controlling view in the Government of Indonesia.

Some opponents of increased IMET participation for Indonesia are charging that the TNI was responsible for murders of Americans at the Tamika Mine. Our FBI, our own U.S. FBI, was deployed to the area and conducted an investigation in conjunction with the Indonesian forces. The FBI has concluded that the murders were committed by an Indonesian separatist who thought he was killing TNI members. That individual is still being sought, and we hope he will be brought to justice in the near future.

Obviously, I think that expanding military-to-military relations with Indonesia is the first and most important and obvious step we can take to improve relations. Beyond that, however, there is work to be done to work more closely with our friends in southeast Asia in providing technical assistance and tsunami relief efforts to help rebuild water infrastructure and other needed facilities.

Another tremendous concern is itself a compelling reason for the United States to pursue an active foreign policy with Indonesia; that is, the threat to democracy from political groups that may espouse an extreme form of Islam. After the fall of the Suharto regime, an authoritarian government, the people of Indonesia have embraced democracy. In Congress, Indonesia does not get the credit it deserves for moving so quickly down the path of democratic government.

With the election of President SBY, Indonesia just experienced its fourth peaceful democratic transfer of power. Voter participation in Indonesia, approximately 80 percent, should be the envy of us in the United States. However, the voice of extreme Islam is working through the political system, through activists and politically oriented groups, to spread their influence. Their presence is small but growing. In 2004, 79 percent of their voters cast their vote for a secular party, but that is down from 84 percent in 1999.

There are groups such as the Justice and Prosperity Party that is growing by taking a hard line against the corruption of the past administration, and

it has participated in tsunami relief and other charitable activities. The party is gaining influence among those in Indonesia. But there are also elements in the party in the past who have expressed a desire for an Islamic State and feel that Islam suffered a setback as well as Indonesia suffering an economic setback during the secular dictatorship of Suharto in the ensuing years.

There is a danger of the spread of radical Islam, whether it be in the madrasas or the political arena, the anti-western strain of this intolerant form of Islam, or other activities. I believe, as I have outlined previously, there are courageous and determined people in Indonesia fighting to ensure the future of the country as a democracy and one that values the principle of freedom known in secular government. We must remain engaged so their struggle prevails.

The bigger picture requires active engagement with Southeast Asian countries seeking the path of democracy, human rights, and economic freedom. In my view, the best forms of assistance we can provide are economic participation by American companies in the region and educational exchanges. These were actually identified by the U.S. Agency for International Development Woods Report of the early 1990s which said that economic investment, trade, and education were the most effective ways of strengthening the relations and building the economies of developing countries. I believe that report was accurate, and I think it is the path for our participation in Southeast Asia.

For example, in my recent visit to Malaysia, many leaders we spoke to were concerned that fewer Malaysian students are now studying in the United States than in the past. I believe this educational exchange is extremely valuable for us as well as for students. I hope we can encourage more American colleges and educational foundations to increase their support for educational exchanges.

As noted above, however, I believe we must deal with military restrictions and use our IMET programs and other collaborative efforts as a means of assisting Indonesia, as well as other countries in the area, to work in a constructive fashion with our military in observing human rights and civilian control in that country. Not only is it in the interest of the people in Southeast Asia, I believe it is in our economic interest, our strategic interest, and in our interest in fighting the war against terrorism.

CHINA'S ENACTMENT OF ANTISECESSION LAW

Mr. BOND. Mr. President, the Peoples Republic of China recently enacted an antisecession or antiseparation law, the intent of which may believe would restrict the Taiwanese people's freedom of speech and allow the Chinese Government to use force to annex Taiwan if China suspects separatist speech making or any other separatist activities on the island. This law has caused a tremendous uproar in Taiwan. Taiwan's foreign minister and chairman of Taiwan's Mainland Affairs Council have both denounced the law as a unilateral act on the part of China. It will cause tensions in the Taiwan Strait to rise and may have serious consequences for future Taiwan-China relations.

I agree with the assessment that China is seeking to change unilaterally the status quo in the Taiwan Strait. China seems to have abandoned any attempt at future dialogue between the two sides and seeks to impose this law on the 23 million people of Taiwan. Chinese assumptions are that Taiwan and China are now already unified and that China has jurisdiction over Taiwan, especially the authority to serve penalty and punishment to Taiwanese people and their leaders. China has ignored the fact that Taiwan and China have been two separate political entities since 1949 and neither has jurisdiction over the other. China, therefore, has no right to carry out punishment to Taiwanese people and leaders whenever China sees fit.

Predictably, Taiwanese people are outraged by the latest Chinese act and ask the international community to oppose China's new law. So far, with a wait-and-see attitude, the international community has remained quiet on the subject. It is important that we not appease China.

Inaction of the international community will send a dangerous signal and will further encourage China to indulge in its political rhetoric and war-like actions. We must single out the dangers inherent in China's new law, whose enactment will totally discourage the Taiwanese people from seeking a peaceful solution to the Taiwan issue. Now is not the time to empower China to prepare for military conflicts across the Taiwan Strait, just as the EU stands to do by lifting the Chinese Arms Embargo.

In this era of global terrorism and natural catastrophes, war is the last thing we would like to see in the Asia-Pacific region. I urge all Americans and the international community to oppose China's enactment of the antisecession law, and I plead with both Chinese and Taiwanese leaders not to resort to any extreme measures and not to make a bad situation worse. Both sides should allow tempers to cool and keep dialogues open.

May the Lunar New Year bring good will to the Chinese and Taiwanese peoples and may they continue to maintain peace and stability in the Taiwan Strait.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding we are in morning business until 2 o'clock.

The PRESIDING OFFICER. Yes, we are.

BANKRUPTCY REFORM

Mr. DURBIN. Mr. President, for those who do not follow the debate in the Senate very closely, this 500-page bill has been the subject of our debate and discussion for the last 2 weeks. It is likely to be concluded today with a vote, and the vote is likely to be in favor of this legislation.

It is about bankruptcy law. It is something everyone dreads the thought of, that you would reach a point in life where you have more debts than assets, and finally say: I have to go to court and ask for help.

But bankruptcy is an institution created by Western civilized society to respond to a terrible injustice. There was a time in this world when if you were deeply in debt, you ended up deeply in jail—debtors' prison—put in an unconscionable situation where you could not pay your bills and, once in prison, did not have any place to turn.

We decided that in a more civilized society we would acknowledge the fact that through misfortune or miscalculation some people reach a point where they do not have enough money to pay their bills. And if they are prepared to go into a bankruptcy court, file extensive documentation to establish their debt and their assets, the court may consider discharging them in bankruptcy. As a result of that discharge, people lose most of what they have on Earth, but also walk away from their debts and have a chance for a fresh start, for a new day.

That is something that has been in the law for a long time. The law has been amended over the years. We have chapter 7, where you walk out of the bankruptcy court with your debts behind you. Chapter 13 is where an individual tries to repay, says to the court: I don't want to be found to be bankrupt. I am willing to work out with my creditors a repayment schedule. That is what chapter 13 does. So you try to take a limited amount of money and pay it out over a period of time.

For years and years the credit card companies and big banks have said: We want to change this law. Too many people are going to bankruptcy court. The numbers range from 1.3 million to 1.5 million each year, but there is no doubt the numbers are going up.

The credit industry argues: Too many people are in bankruptcy court, and as a consequence, we should limit the opportunity for bankruptcy. So for almost 10 years they have been pushing for this bill—year after year after year.

Today their prayers will be answered. This bill will pass the Senate. It will glide right through the House of Representatives and be signed by the President in a hurry. What it will mean is that many of the people walking into bankruptcy court are now going to face new hurdles, new obstacles, new paperwork, new legal costs to file for bankruptcy, and at the end of the day many of them will not have their debts erased. Many of them will find they have to continue to keep paying on those debts for a long period of time.

It concerns me because we ought to ask the most basic question: Why are more people filing for bankruptcy? Is it the fashionable thing to do? I do not think so. Years ago, a member of my staff and her husband had a bad business experience. When she came to tell me they were going to file for bankruptcy, she was in tears. She was not happy about that at all.

People I have known who have gone through bankruptcy are not proudly announcing to their friends: Well, I had a great day in bankruptcy court. These are people who are a little embarrassed, a little ashamed of what they had to go through. They certainly did not want this to happen.

And why do people end up in that predicament? Well, for a lot of reasons. If you look at the No. 1 reason people give for why they go to bankruptcy court today, it is because of medical bills. And that stands to reason. The cost of medical care in America has gone up dramatically year after year. If you are not prepared for a major illness in your family, you might face major bills that you will never be able to repay. Sometimes the hospital or doctor will write it off and say: I know I am never going to collect it, and that is the end of the story. But sometimes they will not.

Sometimes the bills just keep coming in and the bill collectors keep calling and the harassment on individuals and their families increases to a point where some people say: That is it. I can't do it. I will never be able to pay off this debt. And they go into bankruptcy court.

So here we are in a nation with a health care crisis, in a nation where each day fewer people have health insurance, a nation where each day the cost of health care is going up, a nation where businesses are struggling to keep health insurance on the owners of the business and their employees, where labor unions are at their wit's end about how to provide the basic benefit package and still increase take-home pay, here we are in a certifiable American crisis when it comes to health care. And what is the response of your Government? To deal with the problem? No, we are going to deal with the victims.

The victims of today's health care crisis will now go into bankruptcy court and face a mountain of paperwork they have to fill out. If they don't do it right or they fall into the categories in this bill, they are not going to have their debts discharged. They are going to walk out of that court as deeply in debt as when they walked in.

The credit card industry says it is only fair because all these people going to bankruptcy court evidence some moral failure in America. There is just something wrong today with people and their values.

Excuse me, but being preached to by the credit card industry about moral values is a little tough to swallow. This is the same industry that in 2003 made record profits. All that plastic we carry in our wallets, they are making a bundle off those credit cards—so much so that they will inundate anyone who is up and taking nourishment with more credit card solicitations. Go home tonight and look in the mailbox. Maybe it won't be tonight. Trust me, by tomorrow there will be another solicitation for another credit card. And you think to yourself: Am I that important that they keep coming to me and offering me a credit card? The answer is, sadly, no. They are ready to offer credit cards to anything moving.

In my office one of my attorneys has a little boy who is 3½ years old. Tyler must be a pretty special little baby. He got his first credit card solicitation at the age of 3½. I told that story in Rockford, IL, last week, and one of my business friends said: I have you on that one. My 9-month-old daughter received a solicitation.

So here is this industry dumping credit cards on America, oblivious to whether the people who are receiving them are good credit risks, hoping you will sign up for that credit card, hoping you will pay 16 percent, 20 percent interest, hoping you will make the minimum monthly payment so they will eat you alive with interest payments, and ready to accept the possibility that they guessed wrong, ready to accept the possibility that you won't be able to pay your bills. They will write that off, or at least they did until this bill came along. Now they want that credit card debt to trail you for a lifetime. That is what this bill is all about.

You say to yourself: Is it a moral failure in America that has led to more bankruptcies? No, it is the lack of health insurance; it is the fact that people who worked hard and thought they had the world by the tail end up seeing their jobs outsourced when they are 55 years old and have nowhere to turn. Those are the realities of what leads people to bankruptcy court.

This bill says an awful lot about the Senate of the United States. It is the second most important bill of the Republican leadership. Did they bring us a bill to deal with the health care crisis? No. Did they bring us a bill to deal with all the jobs being outsourced in America, the Tax Code that creates rewards and incentives to send jobs overseas? No. Did they deal with a bill to fund our schools? Remember that Federal mandate called No Child Left Behind, that unfunded mandate President Bush and the Republicans in Congress refused to fund? Did they offer a bill to help struggling schools? No.

What did they come with? They came with the granddaddy of special interest bills, this 500-page gift to the credit industry in America. So we offered some amendments. We said: If there is going to be a real debate, let's have real choices.

The first amendment I offered said I am going to give you a category of bankrupt people I think should get a break from the terrible provisions in this bill. The category is the people we salute every night on the news, who many of us give speeches praising, who our thoughts and prayers are with every day—the men and women in uniform serving America. These are men and women who a year and a half ago had a nice little restaurant or a nice little business and went to their Guard meetings once a month and then were activated and, once activated, found out it wasn't for 30 days, it was for 18 months. While they were gone, their little business disintegrated, and now they face bankruptcy. Where was the moral failure of these soldiers? Where was the moral failure of the guardsmen and reservists who volunteered to go overseas and fight for my freedom and my home? I don't see any moral failure there.

When we brought the amendment to the floor and said, give these servicemen a break, by a vote of 58 to 38, with every Republican voting against it, that amendment was defeated by the same Congress that gives all of these stirring speeches about how much we love the men and women in uniform. Where were they when the men and women in uniform needed a vote on this bill? They were AWOL, that is where they were.

Senator KENNEDY said: What about the family in medical crisis? Should we not say to them at the end of the day, if you go through bankruptcy court, we will protect your home? We will give you a home to go to, and not an expensive home, a $150,000 home. You can buy a nice small home in Springfield, IL, for $150,000. You get up to Chicago or Washington or Boston or New York or Los Angeles, where does $150,000 take you? Not very far. But Senator KENNEDY said: If it is a medical crisis that brought them to bankruptcy, shouldn't at the end of the day they have a roof over their heads? Rejected—another virtual partisan rollcall. The credit card industry said: No exceptions.

Bill Nelson of Florida said: What if they steal your identity, run up all these bills, take you to court, and you are trying to discharge bills you didn't even enter into? Shouldn't you get a break then if they have stolen your identity? No, rejected. The credit card industry said: Go to court; fight it out in court with your lawyer. We are not going to give you that break.

I am going to offer an amendment, my last amendment, to the relief of

many on the Republican side. I know they are tired of my amendments and tired of hearing me. I am about to lose my voice, so maybe it is time to end the debate. But the last amendment is their last chance. Here is what the last amendment says: If you are a disabled veteran and if the debts that brought you to bankruptcy were primarily incurred while you served in the active military, we are going to give you a break in bankruptcy court.

Who are the men and women I am talking about? Come to Bethesda, come to Walter Reed, and I will introduce you to them. These are guardsmen and reservists, active military, marines, soldiers from our Army, sailors who have now gone overseas and who have lost a leg or an arm or both hands or suffered a head injury. These are people who gave everything we could ask of them for this country. What profiles in courage they are. When I go out there, I am just amazed. They are fighting to get that prosthetic limb, fighting to get back on their feet. Most of them more than anything want to go back and fight with their units, but they are headed home. Some of them are headed home to a financial situation that is going to be another challenge to them. Some of them won't be able to get through it. They are going to file for bankruptcy. They are going to ask to maybe put those bitter memories of the war behind them and to put their debts behind them and give them a chance to start their lives again.

My last appeal to the Republican side of the aisle, which has steadfastly stood in ranks for the credit card industry and has been unwilling to stand for our men and women in uniform, is this: For the disabled veterans, those who incurred debts while they were at war, can you give them a break?

That is the last amendment I am going to offer. I am glad to have the disabled veterans organization of America supporting this amendment. I was happy to have all the military groups and families supporting my earlier amendment. I hope those who are following this debate on both sides of the aisle will consider those families who are affected. They have considered the credit card industry. There is a great deal of sympathy for the credit industry in the Senate. Our heart goes out to these poor people, the credit card industry swamping us with cards making billions of dollars. What can we do to help?

How about a 500-page bill, they say? Any time soon? Sure. It will be the second item on the Senate agenda. We will make sure we get this big present out of the way so you can put it on your list of accomplishments in Congress this year. For the people who will end up in bankruptcy court, most of whom never wanted to be there, the nightmare just got worse. What you are going to face because of this bill is a lot more in terms of obstacles, paperwork, and costs.

Instead of dealing with the problems that force people into bankruptcy, we are going to punish the victims. That is the priority of this Congress. It doesn't speak very well for why we are here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

OUR NATION'S FISCAL SITUATION

Mr. VOINOVICH. Mr. President, I rise to tell my colleagues that our Nation's fiscal situation is bad and likely to get worse. On an apples-to-apples basis, today's projected 10-year deficit is $500 billion deeper than CBO's September 2004 report.

When plausible assumptions about the path of current tax and spending policies are used, the official baseline deficit of $855 billion balloons to a deficit of $5.8 trillion. Even with a strong economy, annual deficits are likely to hover between $400 and $500 billion for the next 5 years. After that, the combination of tax cut extensions and growing entitlement costs threatens an upward spiral of deficits and debt that cannot be sustained.

But even this sobering assessment of Federal finances may be overly optimistic. Assuming continued, but declining, spending for the global war on terrorism increases the 10-year deficit by $418 billion—we read yesterday where the Secretary of Defense and General Myers said there is no real prediction about how long we are going to have to spend money in Iraq—assuming that discretionary spending keeps pace with economic growth (rather than inflation) increases the 10-year deficit by $1.4 trillion; even assuming that expiring tax cuts are only extended for 5 years increases the deficit by $306 billion; assuming continuation of recent adjustments in the alternative minimum tax (AMT) increases the deficit by $642 billion, freezing appropriations, including defense, the war on terrorism and homeland security, would save $1.3 trillion. However, if combined with the extension of tax cuts and continued AMT relief, the budget would still remain in deficit every year, totaling $2.2 trillion over the next decade.

We must also remember that current Medicare payment increases for doctors and hospital expire at the end of 2005. The American Medical Association, AMA, reports that physicians would see a 31 percent decrease in payments from 2006–2013. If we do not act, senior citizens will face serious problems obtaining health care; but it will cost tens of billions to continue reimbursing doctors and hospitals at the current rate.

The fiscal policy decisions we make in the 109th Congress will largely determine whether the U.S. economy and the Federal Government will generate the financial resources to meet these challenges or whether we will force our children to choose between massive tax increases or draconian cuts in public services.

I am not exaggerating when I use the term ''draconian cuts in public services.'' President Bush submitted a budget that proposes to substantially reduce or eliminate more than 150 government programs. In its annual ''Budget Options'' report, the Congressional Budget Office identifies 285 government programs that may need to be reduced, eliminated or substantially modified in order to control future spending. Federal budget analysts are already warning that current trends in Federal spending for health care, education, income security and even national defense simply cannot be sustained for much longer.

I will never forget meeting with Dan Crippen before he left CBO, and him telling me that by 2030, almost all of the GDP we are now spending at this time will be used to pay for Medicare, Medicaid, and Social Security, leaving no money for anything else but that.

I recognize that some of my colleagues consider any government program wasteful spending and would willingly enact all the proposals suggested by both President Bush and the CBO.

Nevertheless, back on planet Earth, mayors, county commissioners, governors and yes, even Senators, are expected to provide at least basic public services, as well as maintain a social safety net, enhance economic development, promote civic improvements and even support cultural enrichment.

Realistically, we are not going to eliminate economic development programs such as Community Development Block Grants as President Bush has proposed. Nor are we going to seriously consider CBO's suggestion to narrow the eligibility for VA disability compensation to only pay for disabilities related to military service. Everyone in this body knows that very few of these proposals are new. Some of them were first suggested by President Reagan 25 years ago. Congress has had ample opportunity to consider all of them and has never shown a willingness to enact any of them.

The bitter truth is that regardless of which party is in control, Congress has never shown an appetite for fiscal restraint. We are always much more likely to spend like drunken sailors than to save our constituents' money the way we would save our own.

I believe the reason we have never been able to control our appetite for spending is that most Members of Congress and the public simply do not understand the long term implications of short term spending decisions. Our constituents consistently ask for increased spending on existing programs as well as money for new programs. Congress almost always says yes to these requests because the true cost of these is so well hidden, they seem like minor investments for major public benefits. Unfortunately, the truth is that long after any public benefit has faded, our

children and grandchildren will still be paying the bills for our generosity.

It is time to recognize that we are in a fiscal hole and to stop digging. The sooner we get started, the better. Prompt action will reduce the need for drastic steps and give individuals more time to adjust to any changes. It will also allow the miracle of compounding to start working for us rather than against us. Perhaps most important, prompt action will help us to avoid a dangerous upward spiral of debt and inflation that would ultimately harm every American.

We can begin by insisting on truth and transparency in government financial reporting. More than 200 years ago, Thomas Jefferson wrote to his Secretary of the Treasury, ''We might hope to see the finances of the Union as clear and intelligible as a merchant's books so that every member of Congress, and every man of any mind in the Union, should be able to comprehend them, to investigate abuses, and consequently to control them.'' Today, consistent and accurate financial information can seem as elusive as it was in Jefferson's time. But these fiscal risks can be managed only if they are properly accounted for and publicly disclosed.

That is why I have introduced the ''Truth in Budgeting Act.'' This bill has three simple goals.

First, it will help guarantee that Congress, the President and the American people have the information necessary to make intelligent decisions regarding our long term financial commitments.

Second, it will force Congress to focus more attention on the long term obligations instead of short term cash flows.

Finally, it will provide Congress the time to make fiscal policy with due deliberation rather than unseemly haste.

In order to guarantee that Congress, the President and the American people fully understand out long term liabilities, this legislation will require the Federal Government to gradually shift to accrual accounting for insurance programs; require CBO and the Joint Committee on Taxation to compute and report the change in Federal interest expense associated with any legislative action, and require the President to submit an annual report to Congress on the fiscal exposure the Federal Government faces including debt, financial liabilities, financial commitments, financial contingencies and other exposures. GAO would then be required to report to Congress on the extent and quality of the liability exposures presented by the administration.

I sincerely believe this knowledge will fundamentally change attitudes about Government spending. When my constituents come to me asking for this or that new spending program, I always tell them how much we will have to borrow to pay for the program they want and as ''Is this really worth imposing that kind of debt on our grandchildren?'' In almost every instance, their answer is ''NO.'' The American people do not want to saddle their children and grandchildren with unsustainable bills; but they do not always clearly recognize the long term costs of some very attractive programs. When we fully explain these costs, our constituents will usually choose fiscal prudence.

My legislation will force Congress to focus more attention on long term obligations rather than short term cash flows by extending discretionary spending caps and the PAYGO rules for five years; creating a new Budget Act point of order requiring supermajority roll call votes to put Congress on record when it circumvents discretionary spending caps or PAYGO rules; putting more teeth in the annual budget resolution by directing the Budget Committee to set 302(b) levels and make efforts to exceed 302(b) levels subject to a 60-vote point of order—that will be a difficult one to get through with our appropriators, I am sure—and requiring CBO and the Joint Committee on Taxation to assess whether the budgetary consequences of legislation beyond the existing 10-year budget window are significantly greater than the cost inside the window. In other words, we pass things, and then we do not talk about what exposure we are going to have 10 years down the road. In the event that CBO or the Joint Committee on Taxation concludes the costs in real terms of legislation in the second decade after enactment would be more than 50 percent greater than in the first decade, it would be required to note this fact in cost estimates, and a point of order would lie against legislation causing these changes in outlays or revenues. This would mean Senators would have to acknowledge with a recorded vote the fact that they have been informed about outyear effects of their spending decisions.

I recognize these provisions are no substitute for genuine commitment to fiscal discipline. Discretionary spending caps and pay-go rules were in place between 1997 and 2002, but Congress still managed to spend money, as I referred to earlier, like drunken sailors. Nevertheless, it is important to require rollcall votes when we attempt to bust the budget and, under the right circumstances, they can be very effective.

Over the past 2 years, there have been 79 attempts to waive the Congressional Budget Act and increase spending. All but two of them were defeated. If these attempts at fiscal irresponsibility had been successful, Federal spending over the next 10 years could have increased by more than $1.5 trillion.

Also, my bill will give Congress the time it needs to properly deliberate financial decisions by moving the Federal Government to a biennial budget process. There are 21 States, including my own, that use biennial budgeting. In Ohio, we supplemented the biennial budget with a second annual budget review. The biennial process provides time for deliberation and, more importantly, effective oversight.

CBO reports that last year, Congress appropriated over $170 billion for 167 programs that had expired authorizations. Do you hear me: 167 programs, $170 billion, and the authorizations had expired. This is not the fault of the appropriators. No one expects them not to fund veterans health care or other critical programs due to expired authorization. It is the fault of a process that simply does not leave us enough time to adequately review and reauthorize important Government programs. We need to give ourselves time to do the job right, and biennial budgeting will help get us there.

According to the best information I have, our agencies today in the Federal Government spend about 60 percent of their time every year on the budget and appropriations. There is no time for congressional oversight because of the fact that we have these annual budget marathons we go through. I am hoping—working with Senator DOMENICI and other Members of this body—that we can bring the 2-year budget issue to the floor of the Senate and once and for all put it into law.

The Truth in Budgeting Act I have introduced will provide Congress and the American people important financial management tools. Like any other set of tools, they are only as useful as the skill and dedication of the craftsman using them. However, just as a carpenter or auto mechanic is more productive when working with quality equipment, Congress can be more effective if we provide ourselves with better quality information.

Finally, before I close, I want to share my concerns regarding Federal revenues. Many of my colleagues would like to extend until 2010 all or some of the tax cuts enacted in 2001 and 2003. Moreover, they propose to extend these tax cuts without offsetting the revenues lost to the Federal Government. The various proposals could increase the 5-year deficit by at least $90 billion and possibly as much as $306 billion. This is unacceptable.

Personally, I do not see a need to extend these tax cuts at this time. Now is the time for patience, not haste.

Most of the current tax provisions do not expire until 2010, and even the reduced rates on dividends and capital gains do not expire until 2008. I have consulted with experts such as Alan Greenspan and Pete Peterson who agree the stimulative effect of these cuts helped the economic recovery but also agreed we should pay for extending them with offsets. It is time to pay for them with offsets.

We do not know yet the impact of Federal revenues if we do Social Security reform. We still do not know the full cost of the prescription drug benefits we approved in the 108th Congress. Nevertheless, all of us must concede that most experts agree that if we keep going the way we are, spending for

Medicare, Medicaid, and Social Security will greatly exceed 18 percent of GDP, as I mentioned, by the year 2030.

We still do not know the full cost of the ongoing war on terror at home and particularly overseas. I predict we will be committed not just to Iraq and Afghanistan but to Kosovo and Bosnia for a long time, which will increase our national security costs dramatically.

I have spent time with our reservists who have returned home, and many of them say their equipment is in bad shape because of the war. There are so many uncertainties in dealing with our national security that we ought to be careful about reducing our revenues.

We will not know the strength of the duration of the current economic recovery for at least another year, but I will say this: We recently learned that last year we had GDP growth of 4.4 percent. That is the best we have had since 1999. There is no question that we are back on track. And the real issue is, do we need to continue to stimulate the economy with the tax reductions we passed in 2001 and 2003, particularly 2003 when we felt we needed to give the economy a front-end loaded stimulus that would make sure we would see an upturn.

We will not know until 2008 or 2009 how Federal revenues will be impacted by baby boomers becoming eligible for early retirement. Most experts expect slower economic growth and slower growth in Federal revenues. It is a real question, with the retirement of our baby boomers: Will we have the workforce we need to keep economic growth moving forward?

Finally, and perhaps more important, the President's Commission on fundamental tax reform will not complete its work until July. Once they send their report to Treasury Secretary Snow, he may very well recommend sweeping tax reform proposals for us to consider in 2006. It makes little sense to me to rush into making current tax policy permanent only to redo all our work in less than 18 months.

Under these circumstances, it seems more prudent to wait until next year before extending tax cuts enacted in the 2001 or 2003 tax reform bills. However, if my colleagues absolutely insist on extending these tax cuts, then we should at least offset their costs by reducing spending or increasing revenues elsewhere in the budget. In other words, the budget resolution is going to be calling for something like $70 billion or $80 billion of tax cuts that will be handled in reconciliation, which basically says they can be passed by the Senate with 51 votes.

My suggestion is, just eliminate them from the budget resolution. If extending the lower tax on dividends or extending the lower tax on capital gains is something in the best interest of the American people, then let's require 60 votes to get that done, just as we did last year when we did not have the continuation of three tax cuts for marriage penalty, lower marginal rates, and for the child tax credit. We did not have a budget. We did not have reconciliation language, but we extended those three because it was the feeling of this body and the House that they were needed to continue to respond to the needs of the American people.

My basic yardstick for Government spending, including tax cuts, has always been is it necessary and is it affordable? I believe the tax cuts in 2001, 2003, and 2004 were both. Nevertheless, we face a different situation today, and I will no longer support tax cuts until they are fully offset. The Nation's gross domestic product grew by over 4 percent in 2003 and 2004. Unemployment has dropped from 6.6 percent to 5.2 percent, and new jobs have been created every month for the last 21 months. Even Alan Greenspan at the Federal Reserve has noticed the turnaround and started to raise interest rates. The tax cut medicine worked, and it is time to stop before we overdose on too much of a good thing. I know some people want to make our recent tax cuts permanent, but I cannot support doing so at this time.

Any additional tinkering with the Tax Code should only be done as part of a comprehensive reform package designed to return Federal revenues to their 60-year average of 18 percent of the economy.

In closing, I tell my colleagues and constituents that I valued my status last year, while I was running for reelection, as a deficit hawk. I have always placed fiscal responsibility at the top of my agenda and never supported spending or tax cuts unless I thought they were necessary and affordable.

The legislation I have introduced will help us more effectively determine what fiscal policies really are necessary and affordable. I encourage Senators to support this legislation. I also encourage them to show patience regarding making the tax cuts permanent. With all the uncertainties facing us, it does not make sense to deal with the issue now.

I will finish with these words: One of the requirements I have used during my political career to decide whether we should do something is the issue of fairness. How in the world can we ask the American people to flat fund domestic discretionary spending, deal with the problem of Medicaid and many of these other issues, and at the same time say to them, and by the way, we are going to extend these tax cuts we have had? It does not make sense. It is not fair. It is not right. It is not acceptable.

I am hoping that my colleagues understand that to put ourselves in the position where we are going to have probably one of the most stingy budgets we have had since I have been in the Senate, at the same time we cannot continue these tax cuts and extend them or, for that matter, make them permanent.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that at 2 p.m. today the Senate proceed to votes in relation to the next two amendments; provided further that all votes after the first be limited to 10 minutes each. The amendments are Leahy amendment No. 83 and Durbin amendment No. 112.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005—Continued

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand there will be a vote on the Leahy-Sarbanes amendment at 2 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 83

Mr. LEAHY. Mr. President, this amendment Senator SARBANES and I have pending is going to moderately preserve the current conflict-of-interest standards for investment banks. They might safeguard the integrity of the bankruptcy process. Senators understand that well before I was born we have had in bankruptcy law provisions to cover conflicts of interest of investment bankers. For some reason this was taken out in the pending legislation. The pending legislation would eliminate the now 67-year-old conflict-of-interest standards that prohibit investment banks which served as underwriters of a company's securities from playing a major advisory role in the company's bankruptcy process.

In other words, it means if you had an investment bank that advised or underwrote securities for WorldCom or Enron at a time when, as we now know, they were cooking the books—they were the ones who advised them how to do this before bankruptcy—then they could be hired to represent the interests of the defrauded creditors during the bankruptcy proceeding.

It is kind of the fox guarding the chicken coop. You advise one of these

companies how to cook the books, make a lot of money—it is going to defraud a lot of people—but if the bubble breaks and you go into bankruptcy and the people who have been defrauded try to get a little bit of money back—try to get back some of the money they are owed, even though it is going to be cents on the dollar, people who had their pensions built into this, had their retirement built into this—you could have the very same investment banker saying, ''We will represent you. We are the guys who got you in the problem in the first place, where you lost all your pension and the money you are owed, but we will help you get it back.''

It is ironic that firms that had a part in the company's deception could stay on the payroll in bankruptcy and profit handsomely from their own fraud.

For 67 years we said, wisely: Enough. You can't do that. Nobody seemed to have a problem with it, but for some reason, that prohibition was dropped here. I have to ask what kind of message are we sending to investors and pensioners who are suffering from corporate misdeeds and ensuing bankruptcies if we allow this to happen. They deserve better.

What we have suggested, what a lot of people seem to support, is: All right, we won't put the total blanket prohibition in, but we will at least say that if you were involved within 5 years of this bankruptcy you cannot come back and handle the rights of the creditors. In other words, if you are the one who lost all the money of the creditors, you lost all the money of the pensioners, you lost all the money of the investors, you are not the one who is going to come back in and say now you can pay us to get back what little bit is left.

The National Bankruptcy Review Commission, agreeing with us, strongly recommended that Congress keep the current conflict-of-interest standards in place. They said:

> Strict disinterestedness standards are necessary because of the unique pressures inherent in the bankruptcy process.

Of course there are. Of course there are pressures. The larger the bankruptcy, the greater the pressures. Which assets do you sell? Which assets do you keep? Which assets should go to the creditors? What we want to do is monitor section 414. I would like to go back to the blanket prohibition, but we said at least make it 5 years. In fact, Fifth Circuit Court of Appeals Judge Edith Jones, well respected, very conservative member of the Fifth Circuit and member of the Bankruptcy Commission, urged Congress to remove section 414. She said:

> If professionals who have previously been associated with the debtor continue to work for the debtor during a bankruptcy case, they will often be subject to conflicting loyalties that undermine their foremost fiduciary duty to the creditors. Strict disinterestedness, required by current law, eliminates such conflicts or potential conflicts. . . . Section 414, in removing investment bankers from a rigorous standard of disinterestedness, is out of character with the rest of this important legislation and should be eliminated.

Then the chairman of the Securities and Exchange Commission wrote to us. He said, speaking for the Commission:

> We believe that it would be a mistake to eliminate the exclusion in a similar one-size-fits-all manner at a time when investor confidence is fragile.

Think of what he said. A lot of investors, since Enron and WorldCom, have lost confidence. If we perpetuate the things that perpetuate that lack of confidence, loss of confidence, then shame on us. We can easily go in with a very commonsense exclusion of conflicts of interest.

How can any one of us go back and say to our constituents: We were in favor of keeping the people who advised and got the enormous bankruptcy in the first place. Now we are in favor of putting them in to guard what little bit of assets the creditors and the investors might have. Try to explain that to somebody who is trying to recover because they relied on what these same people had said and now they are trying to recover their life savings, or trying to recover their business which itself may go bankrupt because of money owed them. Try to convince them that we are trying to protect you by letting the same people who made this mess now be responsible for getting payment to you.

The amendment Senator SARBANES and I offer is a modest compromise. We limit it to 5 years before the bankruptcy. It only applies in the 5 years immediately preceding the bankruptcy. It doesn't say you are precluded forever, as current law does. But it says you are precluded if you were involved within 5 years of this collapse. Then you are not going to be involved in getting people back their money.

With Enron and WorldCom and others, this is the last time in the world that the Senate should weaken conflict-of-interest standards. Certainly the investors and the public are not going to like it. What we are trying to do, we are trying to get us back in line with the SEC and others, to restore public confidence in financial transactions with greater accountability and increased investor protection.

As I said earlier, I will yield to the distinguished senior Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I again commend my able colleague from Vermont for coming forward with this amendment. I am very pleased to join with him in cosponsoring it, and I urge its adoption upon our colleagues.

First, I want to underscore, the Senator from Vermont has tried very hard to work out a very reasonable proposal. The existing law prohibits the investment bankers from playing any part in the bankruptcy, if a company for which they were an investment banker goes into bankruptcy.

They can't come along and then become an adviser to the bankrupt company. The rationale for that is strong because often the investment bankers, because of their own activity, need to be examined and reviewed, and they may be held accountable.

The argument has been made: Well, suppose they were the investment banker 20 years ago and they have not had a connection with this company since. Why should they be precluded from possibly being taken on in the bankruptcy? Recognizing that argument, Senator LEAHY's proposal has a 5-year ban period. In other words, if you have been the investment banker in the last 5 years, you can't then be engaged when the company goes bankrupt. The investment bankers are intimately involved in the financial structure of the company. Often, they can be held liable in one way or another for what has taken place. Certainly there is the appearance of impropriety if the very people who were the investment bankers to this company in the recent period, and they then go bankrupt, and they are taken on subsequent to bankruptcy.

Only a while back, Gretchen Morgenson, writing in the New York Times—I ask unanimous consent that the statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. SARBANES. She said:

> Do you think Solomon Smith Barney, the brokerage firm that bankrolled WorldCom and advised it on a business and financial strategy that failed rather spectacularly, should be allowed to represent the interests of the company's employees, bondholders and other creditors while WorldCom is in bankruptcy?

She said:

> If you answered no, you win a gold star for common sense and for knowing right from wrong.

Elizabeth Warren, a very distinguished professor at Harvard Law School, commenting about this problem—I understand that financial firms are eager to earn money from bankruptcy advice. There is often very big money to be made. They have been lobbying this issue very hard. This doesn't preclude any investment banker, just the ones who have been providing advice to the company leading up to the company's failure, with the Leahy modified amendment, just in the 5-year period prior to the bankruptcy.

Elizabeth Warren says:

> There is reason why the professionals who have worked for a business that collapses into bankruptcy are not permitted to stay on. The company must go back after bankruptcy and reexamine its old transactions. Having the same professionals review their own work is not likely to yield the most searching inquiry.

Obviously, having the same professionals review their own work is not likely to yield the most searching inquiry.

Arthur Levitt, former Chairman of the SEC, said:

> I haven't read a single argument made by the investment banks that would persuade

me that the prohibition should be changed. What we are talking about is a significant potential conflict of interest, and I think it is outrageous that investment banks would even try to go down this road.

This prohibition has existed in law ever since 1938, which has been reaffirmed by the Bankruptcy Study Commission, by all the experts in the field, those who have no vested interest in the outcome, who come objective, people who are in favor of modifying the bankruptcy law, people not in favor of it, but they all come together and agree on this issue.

Professor Warren said:

It is not a provision to ensure investor confidence, or to enhance protection for employees, pensioners, or creditors of failing companies. This is a provision to enrich an already wealthy interest group, nothing more.

It needs to be understood that an investor bank that advised on the creation of a company's capital structure before a bankrupt filing may itself be exposed to potential liability. If it is brought in to work out the deal that permits the company to emerge from bankruptcy, you are opening the door that they may be tempted to prefer the creditors who have a potential claim against the investment bank. Don't open this stable door.

The Leahy proposal is an extraordinarily reasonable proposal. It actually is more accommodating than what the experts are telling us because the experts want to continue the complete ban which exists in current law. But what Senator LEAHY has done in this proposal—this is a 5-year ban. If you are earlier than the 5 years, you can be considered, but if you are within the 5-year period, it is not going to be permitted because we don't want to run the risk of the inherent conflict of interest which would exist in that situation. When a company goes bankrupt, you need a fresh look at what is going on, and you won't get that from the same investment bankers who represented the company before.

This is the point that has been made by the Securities and Exchange Commission. In fact, as Chairman Donaldson expressed his personal view at a hearing—Senator LEAHY and I wrote to him, and he conveyed to us the view of the Commission, saying how cautiously Congress should proceed before loosening any conflict of interest restrictions.

He noted that they were aware of the arguments of proponents of the amendment that the current statutory exclusion is too broad because it covers firms that participated even if it was years ago and the firms have no further involvement with the debtor. However, if the exclusion is eliminated entirely, we are concerned that the general protection in the statute would be insufficient. It may well be insufficient. That is the problem.

I plead with my colleagues, given what we have been through and given what investors have suffered across the country, given the effort now to eliminate these conflicts of interest, don't open this major door to a very severe potential conflict of interest, and the way that we are going to do that is to support the Leahy amendment.

I urge it upon my colleagues.

Mr. WARNER. Mr. President, I rise today in support of Leahy amendment No. 83 to the bankruptcy reform bill. This amendment offers a commonsense solution to a thorny issue in current bankruptcy law.

While I am a strong supporter of the underlying bankruptcy reform bill, and look forward to voting for its final passage, I am concerned about section 414, which amends the disinterested person definition in the conflict of interest standards of the Bankruptcy Code.

Under current law, a firm that serves as an underwriter for a company's securities may be barred absolutely from advising that company in a bankruptcy reorganization. The existing law is probably an over-broad response to the fear of potential abuse. For example, there is little potential for abuse in bankruptcy if an investment bank underwrote securities for a company 50 years ago, and had not done so since.

Section 414 in this bankruptcy reform bill essentially does away with the current ban, and gives bankruptcy judges the discretion to determine whether the investment bank has a material adverse interest. If the judge decides that no such adverse interest exists, then the bank would be able to advise the debtor company, even if some of the bank's advice helped contribute to the bankruptcy in the first place.

In my view, while the current law is over-broad, section 414 swings the pendulum too far the other way. I agree with the Chairman of the Securities and Exchange Commission, William Donaldson, who recently wrote to Members of the Senate on behalf of the SEC. Chairman Donaldson noted that the SEC believes that "it would be a mistake to eliminate the exclusion in a similar one-size-fits-all manner at a time when investor confidence is fragile."

Given the number of high-profile corporate bankruptcies over the past few years, it is paramount that we completely avoid the slightest appearance of impropriety in these bankruptcies. In my view, the Leahy amendment achieves that goal, and strikes a solid middle ground in this important debate.

On the one hand, the amendment does not attempt to reinstate the overly broad current law. On the other hand, the amendment recognizes that it is important for Congress to set out some uniform policy in this area rather than leaving it up to hundreds of individual bankruptcy judges.

Instead, the Leahy amendment imposes a reasonable 5-year waiting period under which an investment bank that underwrote securities for a company would be precluded from advising that same company in bankruptcy.

In my view, this amendment would protect against any possibility of abuse, would safeguard against the appearance of impropriety, and would not unduly harm investment banks from rightfully participating in the bankruptcy process.

Mr. LEAHY. Mr. President, am I correct that the yeas and nays have been ordered?

The PRESIDING OFFICER (Mr. CHAMBLISS). The yeas and nays have been ordered. There is 2 minutes equally divided prior to the vote.

Who seeks time?

Mr. CRAIG. Mr. President, I think this side is prepared to yield back the time.

Mr. LEAHY. Mr. President, I think both Senator SARBANES and I have made our case. We just want to eliminate this blatant conflict of interest.

We yield back our time.

The PRESIDING OFFICER. Time has been yielded.

The question is on agreeing to amendment No. 83.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—44

Akaka	Feinstein	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Collins	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Snowe
Dayton	Leahy	Specter
Dodd	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—55

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Baucus	Domenici	Murkowski
Bayh	Ensign	Pryor
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Stabenow
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Kyl	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	
Crapo	Lugar	

NOT VOTING—1

Clinton

The amendment (No. 83) was rejected.

AMENDMENT NO. 112

The PRESIDING OFFICER. Under the previous order, the next vote will be on Durbin amendment No. 112.

There are 2 minutes equally divided. Who seeks time?

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, this amendment will exempt from the bankruptcy bill's means test those disabled veterans whose indebtedness occurred primarily during a period of military service. They have given us their arms, their legs, very important parts of their lives.

After 2 weeks of debate, after scores of amendments that have failed, I ask my colleagues, just once, in the consideration of this bill, whether they will take into their consideration those who, because of misfortunes they could not control, have had their lives seriously changed. We need to honor these veterans who have given so much to America.

If the Senate owes a great debt to the credit card industry, don't we owe a greater debt to these brave soldiers? I ask you to vote aye.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I agree with the Senator from Illinois. I think the Congress agrees with him, the House agrees with him. I ask the Senate to support the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced —- yeas 99, nays 0, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—99

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	Martinez
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Obama
Brownback	Grassley	Pryor
Bunning	Gregg	Reed
Burns	Hagel	Reid
Burr	Harkin	Roberts
Byrd	Hatch	Rockefeller
Cantwell	Hutchison	Salazar
Carper	Inhofe	Santorum
Chafee	Inouye	Sarbanes
Chambliss	Isakson	Schumer
Coburn	Jeffords	Sessions
Cochran	Johnson	Shelby
Coleman	Kennedy	Smith
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Cornyn	Kyl	Stabenow
Corzine	Landrieu	Stevens
Craig	Lautenberg	Sununu
Crapo	Leahy	Talent
Dayton	Levin	
DeMint	Lieberman	
DeWine	Lincoln	
Thomas	Vitter	Warner
Thune	Voinovich	Wyden

NOT VOTING—1

Clinton

The amendment (No. 112) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 129

Mr. MCCONNELL. Mr. President, I ask unanimous consent that we now proceed to a vote in relation to the Schumer amendment No. 129 with all other provisions of the agreement still in place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. We can expect two more votes right now, first on the Schumer amendment and then on the underlying Talent amendment. Then there will be a break before we have another series of votes.

I yield the floor.

The PRESIDING OFFICER. There are 2 minutes equally divided. Who seeks time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I will address both the Schumer second-degree amendment and the underlying Talent amendment. This all relates to the millionaire's loophole.

Mr. TALENT. Will the Senator yield for a second? Does the Senator want to ask unanimous consent to have 4 minutes at once here, which we talked about before?

Mr. SCHUMER. I think that is what the Chair called for. Am I right?

The PRESIDING OFFICER. That is correct.

Mr. TALENT. So it is 4 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. It is 4 minutes equally divided, 2 minutes on each side.

Mr. SCHUMER. Mr. President, we have debated this before when I offered an amendment to close the millionaire's loophole. My colleagues may recall the millionaire's loophole will allow a millionaire to shield his or her assets in a certain type of trust. It would not be susceptible to bankruptcy. The millionaire could then declare bankruptcy, shed his debts, and still have the assets in the trust. It is an egregious abuse.

Unfortunately, my amendment was voted down. My friend from Missouri has offered an amendment that frankly keeps the status quo. I understand many on the other side are sort of pained that they had to vote against this amendment, but let me tell colleagues what the Talent amendment does.

It requires a showing of intent to defraud in order to not shield the assets. Well, give me a break. Or as my kids would say: Hello.

Which millionaire is going to hire a lawyer and say, make sure you leave a paper trail so they can prove intent? Of course, one cannot prove intent, particularly if the actual intent is to hide the assets.

So in all due respect to my good friend from Missouri, this amendment is simply a subterfuge. Make no mistake about it, the Talent amendment will not rectify the millionaire's loophole, will not provide cover for people who seek cover. If we want to correct the Talent amendment, vote for the Schumer second-degree to Talent, which eliminates the intent requirement.

One more point. Aside from the intent issue——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I guess there are no more points.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Utah.

Mr. HATCH. Mr. President, one can have self-settled trusts. What the amendment of the distinguished Senator from New York does is do away with essentially all self-settled trusts. Frankly, Senator SCHUMER's amendment is so broad that it covers all settled trusts, not just fraud.

The amendment of the distinguished Senator from Missouri covers fraud, and he does it in the appropriate way, a legal way, the way it should be done.

I yield the remainder of my time to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. I thank the Senator from Utah.

Very briefly, we should not allow criminals to hide their assets and avoid paying their bills. This amendment makes certain that dishonest people can't hide their assets, especially if they have caused others to lose their jobs, retirement pensions, health care benefits and, in some cases, their life savings.

One of the reasons the economy plunged into a recession a few years back was because of corporate fraud. And those crimes caused companies to fail, eliminating thousands of jobs. It is fundamentally unfair to allow these crooks to abuse the trust laws of certain States to hide their wealth.

My amendment is simple. It closes the asset protection trust loophole by empowering bankruptcy courts to go back 10 years to take away fraudulent transfers that criminals have sheltered away in an attempt to avoid paying back their debts.

Here is a little background on the problem. Asset protection trusts are trusts that a person forms to shield assets for his or her own benefit.

Although the law has historically allowed property owners to create trusts

for others, courts have historically refused to permit someone to tie up his or her own property in such a way that he or she can still enjoy it but prevent his or her creditors from ever reaching it.

My amendment states clearly that these trusts cannot be used in bankruptcy to allow a person to shelter their assets to avoid repaying their debts because of a judgment in criminal, civil, or bankruptcy court.

In addition, my amendment closes the loophole that the New York Times wrote a good article about. That article noted how difficult it is to determine how much money these crooks have sheltered into these asset protection trusts. Some estimate that criminals have stashed away billions of dollars in these types of trusts.

This amendment allows victims to go after any resource transferred into the trust by a corporate criminal over the previous 10 years. Current laws says that if a corporate executive is convicted of a crime, victims can only go after resources transferred into these trusts over the last year. The bankruptcy bill, without my amendment, would have made it only 2 years.

But, that is still not enough time to go after the criminals who set up these asset protection trusts.

There is a gap of several years where criminals could have put billions in assets into these trusts and the Federal and State bankruptcy courts might not be able to touch them. My amendment closes the loophole for criminals.

I urge my colleagues to support this amendment—it simply cracks down on criminals.

I yield back my time.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 129 to amendment No. 121.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Chafee	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—56

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NOT VOTING—1

Clinton

The amendment (No. 129) was rejected.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote. I move to lay that motion on the table.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the next vote the Senate proceed to consideration of Calendar No. 39, S. 250, the Vocational and Technical Education Act; provided that the committee-reported substitute amendment be agreed to, there be 30 minutes for debate equally divided between the chairman and ranking member, no other amendments be in order, and that following the debate, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill first in the next series of votes with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT 121

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the Talent amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 121. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—73

Alexander	Chambliss	Domenici
Allard	Coburn	Dorgan
Allen	Cochran	Ensign
Baucus	Coleman	Enzi
Bennett	Collins	Frist
Biden	Conrad	Graham
Bingaman	Cornyn	Grassley
Bond	Corzine	Gregg
Brownback	Craig	Hagel
Bunning	Crapo	Harkin
Burns	Dayton	Hatch
Burr	DeMint	Hutchison
Byrd	DeWine	Inhofe
Cantwell	Dodd	Isakson
Chafee	Dole	Johnson
Kohl	Nelson (NE)	Stevens
Kyl	Pryor	Sununu
Lincoln	Roberts	Talent
Lott	Salazar	Thomas
Lugar	Santorum	Thune
Martinez	Sessions	Vitter
McCain	Shelby	Voinovich
McConnell	Smith	Warner
Murkowski	Snowe	
Nelson (FL)	Specter	

NAYS—26

Akaka	Kennedy	Obama
Bayh	Kerry	Reed
Boxer	Landrieu	Reid
Carper	Lautenberg	Rockefeller
Durbin	Leahy	Sarbanes
Feingold	Levin	Schumer
Feinstein	Lieberman	Stabenow
Inouye	Mikulski	Wyden
Jeffords	Murray	

NOT VOTING—1

Clinton

The amendment (No. 121) was agreed to.

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the clerk will report the next bill by title.

The bill clerk read as follows:

A bill (S. 250) to amend the Carl D. Perkins Education and Technical Education Act of 1998 to improve the Act.

The Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike part shown in black brackets and insert part shown in italic.)

S. 250

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''Carl D. Perkins Career and Technical Education Improvement Act of 2005''.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. References.
[Sec. 3. Purpose.
[Sec. 4. Definitions.
[Sec. 5. Transition provisions.
[Sec. 6. Limitation.
[Sec. 7. Authorization of appropriations.

[TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

[Sec. 101. Career and technical education assistance to the States.
[Sec. 102. Reservations and State allotment.
[Sec. 103. Within State allocation.
[Sec. 104. Accountability.
[Sec. 105. National activities.
[Sec. 106. Assistance for the outlying areas.
[Sec. 107. Native American program.
[Sec. 108. Tribally controlled postsecondary career and technical institutions.
[Sec. 109. Occupational and employment information.
[Sec. 110. State administration.
[Sec. 111. State plan.
[Sec. 112. Improvement plans.

[Sec. 113. State leadership activities.
[Sec. 114. Distribution of funds to secondary school programs.
[Sec. 115. Distribution of funds for postsecondary career and technical education programs.
[Sec. 116. Special rules for career and technical education.
[Sec. 117. Local plan for career and technical education programs.
[Sec. 118. Local uses of funds.
[Sec. 119. Tech-Prep education.

[TITLE II—GENERAL PROVISIONS

[Sec. 201. Redesignation of title.
[Sec. 202. Fiscal requirements.
[Sec. 203. Voluntary selection and participation.
[Sec. 204. Limitation for certain students.
[Sec. 205. Authorization of Secretary; participation of private school personnel.
[Sec. 206. Student assistance and other Federal programs.
[Sec. 207. Table of contents.

[SEC. 2. REFERENCES.

[Except as otherwise expressly provided, wherever in this Act 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 Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

[SEC. 3. PURPOSE.

[Section 2 (20 U.S.C. 2301) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in paragraph (1), by striking ''standards'' and inserting ''and technical standards, and to assist students in meeting such standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions'';

[(3) in paragraph (2), by inserting ''challenging'' after ''integrate'';

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

[(5) in paragraph (4)—

[(A) by inserting ''conducting and'' before ''disseminating national'';

[(B) by inserting ''disseminating information on best practices,'' after ''national research,''; and

[(C) by striking the period at the end and inserting a semicolon; and

[(6) by adding at the end the following:

[''(5) promoting leadership and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

[''(6) supporting partnerships among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations, and intermediaries; and

[''(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.''.

[SEC. 4. DEFINITIONS.

[Section 3 (20 U.S.C. 2302) is amended—

[(1) in paragraph (2), by inserting '', including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate'' after ''to enter'';

[(2) in paragraph (3)—

[(A) in the paragraph heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

[(B) by striking ''vocational'' each place the term appears and inserting ''career'';

[(3) by striking paragraph (4);

[(4) by redesignating paragraphs (5) through (30) as paragraphs (10) through (35), respectively;

[(5) by inserting after paragraph (3) the following:

[''(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment, approved annually by the relevant administrators of the secondary and postsecondary institutions, to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.

[''(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

[''(A) offer a sequence of courses (which may include technical learning experiences) that—

[''(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

[''(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

[''(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

[''(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term 'career and technical education student' means a student who enrolls in a clearly defined sequence of career and technical education courses leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

[''(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

[''(A) IN GENERAL.—The term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

[''(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

[''(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means providing access to information regarding career awareness and planning with respect to an individual's occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

[''(9) CAREER PATHWAY.—The term 'career pathway' means a coordinated and nonduplicative sequence of courses (which may include technical learning experiences) and associated credits that—

[''(A) shall identify both secondary and postsecondary education elements;

[''(B) shall include challenging academic and career and technical education content;

[''(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

[''(D) may culminate in technical skill proficiency, a credential, a certificate, or a degree.'';

[(6) in paragraph (10) (as redesignated by paragraph (4) of this section), by striking ''5206'' and inserting ''5210'';

[(7) by redesignating paragraphs (11) through (35) (as redesignated by paragraph (4) of this section) as paragraphs (12) through (36), respectively;

[(8) by inserting after paragraph (10) (as redesignated by paragraph (4) of this section) the following:

[''(11) COMMUNITY COLLEGE.—The term 'community college'—

[''(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

[''(B) includes tribally controlled colleges or universities.'';

[(9) in paragraph (12) (as redesignated by paragraph (7) of this section)—

[(A) by striking ''method of instruction'' and inserting ''method''; and

[(B) by striking ''vocational'' and inserting ''career'';

[(10) by redesignating paragraphs (13) through (36) (as redesignated by paragraph (7) of this section) as paragraphs (14) through (37), respectively;

[(11) by inserting after paragraph (12) the following:

[''(13) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.'';

[(12) in paragraph (16) (as redesignated by paragraph (10) of this section), by striking ''vocational'' both places the term appears and inserting ''career'';

[(13) in paragraph (17) (as redesignated by paragraph (10) of this section)—

[(A) in subparagraph (A), by striking ''an institution of higher education'' and inserting ''a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree''; and

[(B) in subparagraph (C), by striking ''vocational'' and inserting ''career'';

[(14) in paragraph (18)(A) (as redesignated by paragraph (10) of this section), by striking ''agency, an area vocational'' and inserting ''agency (including a public charter school that operates as a local educational agency), an area career'';

[(15) by redesignating paragraphs (20) through (37) (as redesignated by paragraph (10) of this section) as paragraphs (21) through (38), respectively;

[(16) by inserting after paragraph (19) (as redesignated by paragraph (10) of this section) the following:

[''(20) GRADUATION AND CAREER PLAN.—The term 'graduation and career plan' means a written plan for a secondary career and technical education student, that—

[''(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

[''(B) is reviewed annually and modified as needed;

[''(C) includes relevant information on—

[''(i) secondary school requirements for graduating with a diploma;

[''(ii) postsecondary education admission requirements; and

[''(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

[''(D) states the student's secondary school graduation goals, postsecondary education

and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.'';

[(17) in paragraph (25) (as redesignated by paragraph (15) of this section)—

[(A) in the paragraph heading, by striking ''TRAINING AND EMPLOYMENT'' and inserting ''FIELDS''; and

[(B) by striking ''training and employment'' and inserting ''fields'';

[(18) in paragraph (26) (as redesignated by paragraph (15) of this section), by striking ''the Commonwealth'' and all that follows through the period and inserting ''and the Commonwealth of the Northern Mariana Islands.'';

[(19) by redesignating paragraphs (31) through (38) (as redesignated by paragraph (15) of this section) as paragraphs (32) through (39), respectively;

[(20) by inserting after paragraph (30) (as redesignated by paragraph (15) of this section) the following:

[''(31) SELF-SUFFICIENCY.—The term 'self-sufficiency' means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.'';

[(21) in paragraph (32) (as redesignated by paragraph (19) of this section)—

[(A) in subparagraph (C), by striking ''training and employment'' and inserting ''fields''; and

[(B) in subparagraph (F), by striking ''individuals with other barriers to educational achievement, including'';

[(22) in paragraph (34) (as redesignated by paragraph (19) of this section) by striking '', and instructional aids and devices'' and inserting ''instructional aids, and work supports'';

[(23) by striking paragraph (35) (as redesignated by paragraph (19) of this section) and inserting the following:

[''(35) TECH-PREP PROGRAM.—The term 'tech-prep program' means a program of study that—

[''(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

[''(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

[''(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

[''(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

[''(E) leads to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;

[''(F) leads to placement in appropriate employment or to further education; and

[''(G) utilizes career pathways, to the extent practicable.'';

[(24) in paragraph (37) (as redesignated by paragraph (19) of this section)—

[(A) in the paragraph heading, by striking ''VOCATIONAL'' and inserting ''CAREER'';

[(B) in the matter preceding subparagraph [(A)—

[(i) by striking ''vocational'' and inserting ''career'';

[(ii) by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''; and

[(iii) by striking ''paragraph (5)(A)'' and inserting ''subsection (a)(5)''; and

[(C) in subparagraph (F), by striking ''vocational'' and inserting ''career''; and

[(25) by striking paragraphs (38) and (39) (as redesignated by paragraph (19) of this section).

[SEC. 5. TRANSITION PROVISIONS.

[Section 4 (20 U.S.C. 2303) is amended by striking ''the Carl D. Perkins Vocational and Applied Technology Education Act'' and all that follows through the period and inserting ''this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.''.

[SEC. 6. LIMITATION.

[Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

[SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[Section 8 (20 U.S.C. 2307) is amended—

[(1) by striking ''title II'' and inserting ''part D of title I''; and

[(2) by striking ''1999 through 2003'' and inserting ''2006 through 2011''.

[TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

[SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

[Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

[''TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES''.

[SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

[Section 111(a) (20 U.S.C. 2321(a)) is amended—

[(1) in paragraph (1)(C), by striking ''2001 through 2003,'' and inserting ''2006 through 2011, not more than'';

[(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''paragraph (1)'' and inserting ''paragraph (1), that are not allotted under paragraph (5),'';

[(3) in paragraph (3)—

[(A) in subparagraph (B), by striking ''(or in the case'' and all that follows through ''1998)''; and

[(B) in subparagraph (C)—

[(i) in clause (i)(I), by striking ''(or in the case'' and all that follows through ''1998)''; and

[(ii) in clause (ii)(II), by striking ''(or in the case'' and all that follows through ''1998)''; and

[(4) by adding at the end the following:

[''(5) FORMULA FOR AMOUNTS IN EXCESS OF THE FISCAL YEAR 2005 FUNDING LEVEL.—

[''(A) IN GENERAL.—For any fiscal year for which the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) exceeds the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for fiscal year 2005, such excess amount shall be allotted to the States according to the formula under subparagraphs (A) through (D) of paragraph (2).

[''(B) MINIMUM ALLOTMENT.—

[''(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), no State shall receive for a fiscal year under this paragraph less than ½ of 1 percent of the excess amount described in subparagraph (A).

[''(ii) REQUIREMENT.—No State, by reason of the application of clause (i), shall be allotted under this paragraph for a fiscal year more than the amount determined by multiplying—

[''(I) the number of individuals in the State counted under paragraph (2); by

[''(II) 185 percent of the national average per pupil payment made with the excess amount described in subparagraph (A) for that year.''.

[SEC. 103. WITHIN STATE ALLOCATION.

[Section 112 (20 U.S.C. 2322) is amended—

[(1) in subsection (a)—

[(A) in paragraph (1), by adding ''and'' after the semicolon; and

[(B) by striking paragraphs (2) and (3) and inserting the following:

[''(2) not more than 15 percent for—

[''(A) State leadership activities described in section 124, of which—

[''(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

[''(ii) not less than $60,000 shall be available for services that prepare individuals for nontraditional fields; and

[''(B) administration of the State plan, which may be used for the costs of—

[''(i) developing the State plan;

[''(ii) reviewing the local plans;

[''(iii) monitoring and evaluating program effectiveness;

[''(iv) assuring compliance with all applicable Federal laws;

[''(v) providing technical assistance; and

[''(vi) supporting and developing State data systems relevant to the provisions of this Act.'';

[(2) in subsection (b), by striking ''subsection (a)(3)'' both places the term appears and inserting ''subsection (a)(2)(B)''; and

[(3) by striking subsection (c) and inserting the following:

[''(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

[''(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

[''(A) rural areas; or

[''(B) areas with high percentages or high numbers of career and technical education students;

[''(2) reserve funds, with the approval of participating eligible recipients, for—

[''(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

[''(i) developing and implementing technical assessments;

[''(ii) improving the professional development of career and technical education teachers, faculty, principals, and administrators; and

[''(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

[''(B) the development and implementation of career pathways or career clusters; and

[''(3) carry out activities described in paragraphs (1) and (2).''.

[SEC. 104. ACCOUNTABILITY.

[Section 113 (20 U.S.C. 2323) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (a)—

[(A) by striking ''a State performance accountability system'' and inserting ''and support State and local performance accountability systems''; and

[(B) by inserting ''and its eligible recipients'' after ''of the State'';

[(3) in subsection (b)—

[(A) in paragraph (1)—

[(i) in subparagraph (A), by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (2)''; and

[(ii) in subparagraph (B), by striking ''(2)(B)'' and inserting ''(2)(C)'';

[(B) in paragraph (2)—

[(i) by striking subparagraph (A) and inserting the following:

[''(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency

shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

[''(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

[''(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

[''(iii) Student rates of attainment of—

[''(I) a secondary school diploma;

[''(II) the recognized equivalent of a secondary school diploma;

[''(III) technical skill proficiency;

[''(IV) a credential;

[''(V) a certificate; and

[''(VI) a degree.

[''(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

[''(v) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.'';

[(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

[(iii) by inserting after subparagraph (A) the following:

[''(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

[''(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

[''(ii) Student attainment of technical skill proficiency, a credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

[''(iii) Placement in military service, apprenticeship programs, or employment.

[''(iv) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.

[''(v) Increase in earnings, where available.'';

[(iv) in subparagraph (C) (as redesignated by clause (ii) of this subparagraph), by striking ''the title.'' and inserting ''this title, such as attainment of self-sufficiency.'';

[(v) in subparagraph (D) (as redesignated by clause (ii) of this subparagraph), by inserting ''career and technical education'' after ''developed State'';

[(vi) in subparagraph (E) (as redesignated by clause (ii) of this subparagraph)—

[(I) by striking ''this paragraph'' and inserting ''subparagraphs (A) and (B)''; and

[(II) by striking ''recipients.'' and inserting ''recipients, and shall meet the requirements of this section.''; and

[(vii) by adding at the end the following:

''[(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.'';

[(C) in paragraph (3)—

[(i) in the paragraph heading, by striking ''LEVELS'' and inserting ''STATE LEVELS'';

[(ii) in subparagraph (A)—

[(I) in clause (i)—

[(aa) by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (2)'';

[(bb) by inserting ''after taking into account the local adjusted levels of performance and'' after ''eligible agency,''; and

[(cc) by striking subclause (II) and inserting the following:

[''(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.'';

[(II) in clause (v)—

[(aa) in the clause heading, by striking ''3RD, 4TH, AND 5TH'' and inserting ''SUBSEQUENT'';

[(bb) by striking ''third program year'' and inserting ''third and fifth program years''; and

[(cc) by striking ''third, fourth, and fifth'' and inserting ''corresponding subsequent'';

[(III) in clause (vi)(II), by inserting ''and significant'' after ''continuous''; and

[(IV) in clause (vii), by striking ''or (vi)'' and inserting ''or (v)''; and

[(iii) in subparagraph (B), by striking ''(2)(B)'' and inserting ''(2)(C)''; and

[(D) by adding at the end the following:

[''(4) LOCAL LEVELS OF PERFORMANCE.—

[''(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

[''(i) IN GENERAL.—Each eligible recipient shall accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

[''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

[''(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

[''(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

[''(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

[''(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

[''(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

[''(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

[''(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

[''(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

[''(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

[''(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.''; and

[(4) by striking subsection (c)(1)(B) and inserting:

[''(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.''.

[SEC. 105. NATIONAL ACTIVITIES.

[Section 114 (20 U.S.C. 2324) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (a)(1), by striking '', including an analysis of performance data regarding special populations'' and inserting '', including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual'';

[(3) in subsection (c)—

[(A) by striking paragraph (2) and inserting the following:

[''(2) INDEPENDENT ADVISORY PANEL.—

[''(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

[''(B) MEMBERS.—The advisory panel shall consist of—

[''(i) educators, principals, and administrators (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

[''(ii) experts in evaluation, research, and assessment;

[''(iii) representatives of labor organizations and businesses, including small businesses;

[''(iv) parents;

[''(v) career guidance and academic counseling professionals; and

[''(vi) other individuals and intermediaries with relevant expertise.

[''(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

[''(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.'';

[(B) in paragraph (3)—

[(i) by striking subparagraph (A) and inserting the following:

[''(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.'';

[(ii) in subparagraph (B)—

[(I) by striking clause (iii) and inserting the following:

[''(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty;'';

[(II) by striking clause (v) and inserting the following:

[''(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

[''(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

[''(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

[''(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

[''(IV) the number of career and technical education students receiving a high school diploma;'';

[(III) in clause (vi), by inserting '', and career and technical education students' preparation for employment'' after ''programs''; and

[(IV) in clause (viii), by inserting ''and local'' after ''State'' both places such term appears; and

[(iii) in subparagraph (C)—

[(I) in clause (i)—

[(aa) by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress''; and

[(bb) by striking ''2002'' both places it appears and inserting ''2009''; and

[(II) in clause (ii), by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

[(C) in paragraph (4)(B), by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

[(D) in paragraph (5)—

[(i) in subparagraph (A)—

[(I) in the matter preceding clause (i), by striking ''higher education'' and all that follows through ''centers'' and inserting ''higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center'';

[(II) in clause (i)—

[(aa) by inserting ''and evaluation'' after ''to carry out research''; and

[(bb) by inserting '', including special populations,'' after ''participants'';

[(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

[(IV) by inserting after clause (i) the following:

[''(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

[''(I) collaboration between career and technical education programs and business and industry;

[''(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

[''(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business;'';

[(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting ''that are integrated with challenging academic instruction'' before '', including''; and

[(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

[''(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

[''(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

[''(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

[''(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

[''(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical education skills, State academic standards, and related materials; and

[''(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and'';

[(ii) in subparagraph (B)—

[(I) by striking ''or centers'' both places the term appears; and

[(II) by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

[(iii) in subparagraph (C), by striking ''or centers''; and

[(iv) by adding at the end the following:

[''(D) INDEPENDENT GOVERNING BOARD.—

[''(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

[''(ii) MEMBERS.—The independent governing board shall consist of the following:

[''(I) Two representatives of secondary career and technical education.

[''(II) Two representatives of postsecondary career and technical education.

[''(III) Two representatives of eligible agencies.

[''(IV) Two representatives of business and industry.

[''(V) Two representatives of career and technical teacher preparation institutions.

[''(VI) Two nationally recognized researchers in the field of career and technical education.

[''(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.'';

[(E) in paragraph (6)(B)(ii), by striking ''or centers''; and

[(F) by striking paragraph (8); and

[(4) by adding at the end the following:

[''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.''.

[SEC. 106. ASSISTANCE FOR THE OUTLYING AREAS.

[Section 115 (20 U.S.C. 2325) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (b)—

[(A) in the matter preceding paragraph (1), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

[(B) in paragraph (1), by striking ''training and retraining;'' and inserting ''preparation;'';

[(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

[(D) by inserting after paragraph (1) the following:

[''(2) professional development for teachers, faculty, principals, and administrators;''; and

[(3) in subsection (d)—

[(A) by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia, and''; and

[(B) by striking ''2001'' and inserting ''2007''.

[SEC. 107. NATIVE AMERICAN PROGRAM.

[Section 116 (20 U.S.C. 2326) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (a)(5), by adding a period at the end;

[(3) in subsection (b)—

[(A) in paragraph (1), by striking ''(d)'' and inserting ''(c)''; and

[(B) in paragraph (2), by striking ''(other than in subsection (i))'';

[(4) in subsection (d), by striking ''section an'' and inserting ''section, an'';

[(5) in subsection (e), by striking ''paragraph'' and inserting ''section''; and

[(6) in subsection (h), by striking ''which are recognized by the Governor of the State of Hawaii''.

[SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

[Section 117 (20 U.S.C. 2327) is amended—

[(1) by striking the section heading and inserting the following:

[''SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.'';

[(2) by striking ''vocational'' each place the term appears and inserting ''career'';

[(3) in subsection (g)—

[(A) in paragraph (1), by striking ''The Secretary'' and inserting ''On an annual basis, the Secretary'';

[(B) in paragraph (2)(B), by striking ''2000'' and inserting ''2007''; and

[(C) in paragraph (3)(C), by striking ''beginning'' and all that follows through the period and inserting ''beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.'';

[(4) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

[(5) by inserting after subsection (g) the following:

[''(h) APPEALS.—

[''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

[''(A) A determination that such institution is not eligible for a grant under this section.

[''(B) A determination regarding the calculation of the amount of a grant awarded under this section.

[''(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

[''(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

[''(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

[''(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

[''(ii) identify the amount of funding that gives rise to such appeal.

[''(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.''; and

[(6) by striking subsection (j) (as redesignated by paragraph (4) of this section) and inserting the following:

[''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

[SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

[Section 118 (20 U.S.C. 2328) is amended—

[(1) in subsection (a)—

[(A) in the matter preceding paragraph (1), by striking ''(f)'' and inserting ''(g)'';

[(B) in paragraph (1)—

[(i) in subparagraph (A), by striking ''(b)'' both places it appears and inserting ''(c)'';

[(ii) in subparagraph (B), by striking ''(b)'' and inserting ''(c)''; and

[(iii) in subparagraph (C), by striking ''(b)'' and inserting ''(c)''; and

[(C) in paragraph (2), by striking ''(b)'' both places it appears and inserting ''(c)'';

[(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

[(3) by inserting after subsection (a) the following:

[''(b) STATE APPLICATION.—

[''(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

[''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

[''(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

[''(B) information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.'';

[(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

[(A) in paragraph (1), by striking ''individuals'' and all that follows through the semicolon and inserting ''students and parents, including postsecondary education and training, including preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;'';

[(B) in paragraph (2), by inserting ''academic and career and technical'' after ''relate'';

[(C) by striking paragraph (3) and inserting the following:

[''(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields;'';

[(D) in paragraph (4), by striking ''such entities;'' and inserting ''such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;'';

[(E) in paragraph (5), by striking ''and'' after the semicolon;

[(F) in paragraph (6), by striking the period and inserting ''; and''; and

[(G) by adding at the end the following:

[''(7) to provide information, if available, for each occupation, on—

[''(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

[''(B) the expected lifetime earnings; and

[''(C) the expected future demand for the occupation, based on employment projections.'';

[(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking ''(b)'' both places it appears and inserting ''(c)'';

[(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking ''(b)'' and inserting ''(c)'';

[(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking ''an identification'' and inserting ''a description''; and

[(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking ''1999 through 2003'' and inserting ''2006 through 2011''.

[SEC. 110. STATE ADMINISTRATION.

[Section 121 (20 U.S.C. 2341) is amended—

[(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

[(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

[(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

[(4) by striking the following:

[''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

[''(1) IN GENERAL.—The responsibilities'' and inserting the following:

[''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities'';

[(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking ''training and employment'' and inserting ''fields'';

[(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

[(A) by inserting ''teacher and faculty preparation programs,'' after ''teachers,''; and

[(B) by inserting ''all types and sizes of'' after ''representatives of''; and

[(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

[SEC. 111. STATE PLAN.

[Section 122 (20 U.S.C. 2342) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (a)—

[(A) in paragraph (1)—

[(i) by striking ''5'' and inserting ''6''; and

[(ii) by adding at the end the following: ''Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency's State plan submission obligation under this section.''; and

[(B) in paragraph (2)(B), by striking ''5 year State plan'' and inserting ''6-year period'';

[(3) by striking subsection (b)(1) and inserting the following:

[''(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), interested community members (including parent and community organizations), representatives of special populations, representatives of business (including small business) and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.'';

[(4) by striking subsection (c) and inserting the following:

[''(c) PLAN CONTENTS.—The State plan shall include information that—

[''(1) describes the career and technical education activities to be assisted that are

designed to meet or exceed the State adjusted levels of performance, including a description of—

[''(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

[''(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

[''(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

[''(iii) make available information about career pathways offered by eligible recipients; and

[''(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

[''(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

[''(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

[''(i) promote higher levels of academic achievement;

[''(ii) promote higher levels of technical skill attainment; and

[''(iii) identify and address workforce needs;

[''(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

[''(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

[''(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

[''(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

[''(ii) at the postsecondary level that are relevant and challenging;

[''(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

[''(A) promote the integration of challenging academic and career and technical education curriculum development, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

[''(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

[''(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

[''(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

[''(E) equip them with the knowledge and skills needed to work with and improve instruction for special populations;

[''(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

[''(G) enhance the leadership capacity of principals and administrators;

[''(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

[''(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

[''(3) describes efforts to improve—

[''(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

[''(B) the transition to teaching from business and industry, including small business;

[''(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

[''(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

[''(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

[''(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

[''(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

[''(7) describes how the eligible agency will—

[''(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

[''(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

[''(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

[''(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

[''(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

[''(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

[''(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

[''(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

[''(A) will be provided with equal access to activities assisted under this title;

[''(B) will not be discriminated against on the basis of their status as members of the special populations; and

[''(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

[''(10) how the eligible agency will collaborate in developing the State plan with—

[''(A) the entity within the State with responsibility for elementary and secondary education;

[''(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

[''(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

[''(D) all other relevant State agencies with responsibility for career and technical education and training and workforce development;

[''(11) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

[''(12) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

[''(13) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

[''(14) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

[''(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in

a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

[''(B) the postsecondary level, disaggregated by special populations and the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

[''(15) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

[''(16) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

[''(17) describes how career and technical education relates to State and regional occupational opportunities;

[''(18) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

[''(19) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions;

[''(20) describes how funds will be used to serve individuals in State correctional institutions;

[''(21) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

[''(22) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.'';

[(5) by striking subsection (d) and inserting the following:

[''(d) PLAN OPTIONS.—

[''(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

[''(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), provided that the plan submitted pursuant to the requirement of this section meets the requirements of this Act.''; and

[(6) by striking subsection (f).

[SEC. 112. IMPROVEMENT PLANS.

[Section 123 (20 U.S.C. 2343) is amended to read as follows:

[''SEC. 123. IMPROVEMENT PLANS.

[''(a) STATE PROGRAM IMPROVEMENT PLAN.—

[''(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

[''(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

[''(3) FAILURE.—

[''(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

[''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

[''(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

[''(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

[''(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

[''(b) LOCAL PROGRAM IMPROVEMENT.—

[''(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

[''(2) PLAN.—

[''(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

[''(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

[''(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

[''(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

[''(B) CONSULTATION.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

[''(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

[''(4) FAILURE.—

[''(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

[''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

[''(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.''.

[SEC. 113. STATE LEADERSHIP ACTIVITIES.

[Section 124 (20 U.S.C. 2344) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) in subsection (a), by striking ''112(a)(2)'' and inserting ''112(a)(2)(A)'';

[(3) in subsection (b)—

[(A) in paragraph (1), by striking ''further learning'' and all that follows through the semicolon and inserting ''further education, further training, or for high skill, high wage, or high demand occupations;'';

[(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

[''(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

[''(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

[''(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, and communications entities;'';

[(C) by striking paragraph (3) and inserting the following:

[''(3) professional development programs, including providing comprehensive professional development (including initial teacher

preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

[''(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

[''(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

[''(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

[''(i) stay current with the needs, expectations, and methods of industry;

[''(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

[''(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

[''(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;'';

[(D) in paragraph (4), by striking ''support for'' and inserting ''supporting'';

[(E) in paragraph (5), by striking ''nontraditional training and employment'' and inserting ''nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations'';

[(F) in paragraph (6)—

[(i) by inserting ''intermediaries,'' after ''labor organizations,''; and

[(ii) by inserting '', or complete career pathways, as described in section 122(c)(1)(A)'' after ''skills'';

[(G) in paragraph (7), by striking ''and'' after the semicolon;

[(H) in paragraph (8), by striking ''wage careers.'' and inserting ''wage, or high demand occupations; and''; and

[(I) by adding at the end the following:

[''(9) technical assistance for eligible recipients.'';

[(4) by striking subsection (c) and inserting the following:

[''(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

[''(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

[''(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

[''(3) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

[''(4) support for public charter schools operating secondary career and technical education programs;

[''(5) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

[''(6) support for family and consumer sciences programs;

[''(7) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

[''(8) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

[''(9) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

[''(10) providing career and technical education programs for adults and school dropouts to complete their secondary school education;

[''(11) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

[''(12) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

[''(13) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

[''(14) improving—

[''(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

[''(B) the transition to teaching from business and industry, including small business; and

[''(15) adopting, calculating, or commissioning a self-sufficiency standard.''; and

[(5) in subsection (d), by striking ''112(a)(2)'' and inserting ''112(a)(2)(A)''.

[SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

[Section 131 (20 U.S.C. 2351) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career'';

[(2) by striking subsection (a);

[(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

[(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

[(A) in the subsection heading, by striking ''SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS'' and inserting ''DISTRIBUTION RULES''; and

[(B) by striking ''for fiscal year 2000 and succeeding fiscal years'';

[(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

[(A) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

[(B) in paragraph (1), by striking ''9902(2))'' and inserting ''9902(2)))'';

[(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

[(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking ''subsections (a), (b), (c), and (d)'' and inserting ''subsections (a), (b), and (c)''.

[SEC. 115. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

[Section 132 (20 U.S.C. 2352) is amended by striking the section heading and inserting the following:

[''SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.''.

[SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

[Section 133 (20 U.S.C. 2353) is amended—

[(1) by striking the section heading and inserting the following:

[''SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.'';

[and

[(2) by striking ''vocational'' each place such term appears and inserting ''career''.

[SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

[Section 134 (20 U.S.C. 2354) is amended—

[(1) by striking the section heading and inserting the following:

[''SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.'';

[and

[(2) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

[''(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

[''(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

[''(3) describe how the eligible recipient will—

[''(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

[''(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

[''(C) provide students with strong experience in and understanding of all aspects of an industry; and

[''(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

[''(4) describe how comprehensive professional development will be provided that is consistent with section 122;

[''(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title,

and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

[''(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

[''(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

[''(8) describe how the eligible recipient—

[''(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

[''(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of performance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

[''(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

[''(10) describe how funds will be used to promote preparation for nontraditional fields;

[''(11) describe how career guidance and academic counseling will be provided to all career and technical education students; and

[''(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.''.

[SEC. 118. LOCAL USES OF FUNDS.

[Section 135 (20 U.S.C. 2355) is amended—

[(1) in subsection (a), by striking ''vocational'' and inserting ''career'';

[(2) in subsection (b)—

[(A) in the matter preceding paragraph (1), by striking ''vocational'' and inserting ''career''; and

[(B) by striking paragraphs (1) through (8) and inserting the following:

[''(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

[''(2) link secondary career and technical education and postsecondary career and technical education, including by—

[''(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

[''(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

[''(C) supporting tech-prep programs and consortia;

[''(3) provide students with strong experience in and understanding of all aspects of an industry;

[''(4) develop, improve, or expand the use of technology in career and technical education, which may include—

[''(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

[''(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

[''(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

[''(A) in-service and pre-service training—

[''(i) in career and technical education programs and techniques;

[''(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

[''(iii) in effective teaching skills based on research that includes promising practices; and

[''(iv) in effective practices to improve parental and community involvement;

[''(B) support of education programs that provide information on all aspects of an industry;

[''(C) internship programs that provide relevant business experience; and

[''(D) programs dedicated to the effective use of instructional technology;

[''(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

[''(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

[''(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

[''(9) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.''; and

[(3) in subsection (c)—

[(A) in paragraph (1), by striking ''vocational'' and inserting ''career''; and

[(B) by striking paragraphs (2) through (15) and inserting the following:

[''(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

[''(A) improves graduation rates and provides information on postsecondary and career options for secondary students, which activities may include the use of graduation and career plans; and

[''(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

[''(3) for partnerships between the eligible recipient and businesses, including small businesses and business intermediaries, including for—

[''(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

[''(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

[''(C) industry experience for teachers and faculty;

[''(4) to provide programs for special populations;

[''(5) to assist career and technical student organizations;

[''(6) for mentoring and support services;

[''(7) for leasing, purchasing, upgrading, or adapting instructional equipment;

[''(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

[''(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

[''(10) for improving or developing new career and technical education courses, including development of new career pathways;

[''(11) to develop and support small, personalized career-themed learning communities;

[''(12) to provide support for family and consumer sciences programs;

[''(13) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

[''(14) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

[''(15) to support activities in nontraditional fields, such as mentoring and outreach; and

[''(16) to support other career and technical education activities that are consistent with the purpose of this Act.''.

[SEC. 119. TECH-PREP EDUCATION.

[(a) REDESIGNATION.—Title II (20 U.S.C. 2371 et seq.) is amended—

[(1) by striking the title heading and inserting the following:

[''PART D—TECH-PREP EDUCATION'';

[(2) by striking sections 201, 202, 206, and 207; and

[(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

[(b) STATE ALLOTMENT AND APPLICATION.—Section 141 (as redesignated by subsection (a) of this section) is amended—

[(1) in subsection (a), by striking ''section 206'' and inserting ''section 144''; and

[(2) by striking subsection (c) and inserting the following:

[''(c) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.''.

[(c) TECH-PREP EDUCATION.—Section 142 (as redesignated by subsection (a) of this section) is amended—

[(1) in subsection (a)—

[(A) in paragraph (1)—

[(i) by striking ''section 203'' and inserting ''section 141'';

[(ii) by striking ''title'' and inserting ''part'';

[(iii) by striking ''vocational'' both places the term appears and inserting ''career''; and

[(iv) in subparagraph (A), by inserting '', educational service agency,'' after ''intermediate educational agency''; and

[(B) in paragraph (2)—

[(i) in subparagraph (A), by striking ''and'';

[(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

[(iii) by adding at the end the following:

[''(C) employers, including small businesses, or business intermediaries; and

[''(D) labor organizations.'';

[(2) in subsection (c)—

[(A) by striking paragraph (2) and inserting the following:

[''(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;'';

[(B) in paragraph (3)(B), by inserting ''including through the use of articulation agreements, and'' after ''career fields,'';

[(C) by striking paragraph (4) and inserting the following:

[''(4) include in-service professional development for teachers, faculty, principals, and administrators that—

[''(A) supports effective implementation of tech-prep programs;

[''(B) supports joint training in the tech-prep consortium;

[''(C) supports the needs, expectations, and methods of business and all aspects of an industry;

[''(D) supports the use of contextual and applied curricula, instruction, and assessment;

[''(E) supports the use and application of technology; and

[''(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;'';

[(D) in paragraph (5)—

[(i) by striking ''training'' and inserting ''professional development'';

[(ii) in subparagraph (B), by inserting '', which may include through the use of graduation and career plans'' after ''programs'';

[(iii) in subparagraph (D), by striking ''and'';

[(iv) in subparagraph (E), by inserting ''and'' after the semicolon; and

[(v) by adding at the end the following:

[''(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;'';

[(E) in paragraph (6)—

[(i) by inserting ''(including pre-apprenticeship programs)'' after ''programs''; and

[(ii) by striking ''and'' after the semicolon;

[(F) in paragraph (7), by striking the period at the end and inserting ''; and''; and

[(G) by adding at the end the following:

[''(8) coordinate with activities conducted under this title.''; and

[(3) in subsection (d)—

[(A) in paragraph (2), by striking ''and'' after the semicolon;

[(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

[(C) by adding at the end the following:

[''(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

[''(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.''.

[(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

[(1) in subsection (a), by striking ''title'' and inserting ''part'';

[(2) in subsection (b)—

[(A) by striking ''5'' and inserting ''6''; and

[(B) by striking ''title'' and inserting ''part'';

[(3) in subsection (d)—

[(A) in paragraph (1), by inserting ''or advanced'' after ''baccalaureate'';

[(B) by striking paragraph (4) and inserting the following:

[''(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;'';

[(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

[(D) by adding at the end the following:

[''(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C.''; and

[(4) in subsection (e), by striking ''title'' and inserting ''part''.

[(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

[(1) by striking ''title (other than section 207)'' and inserting ''part''; and

[(2) by striking ''1999 and each of the 4'' and inserting ''2006 and each of the 5''.

[TITLE II—GENERAL PROVISIONS

[SEC. 201. REDESIGNATION OF TITLE.

[(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

[(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

[(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

["TITLE II—GENERAL PROVISIONS".

[SEC. 202. FISCAL REQUIREMENTS.

[Section 211 (as redesignated by section 201 of this Act) is amended—

[(1) by striking ''vocational'' each place the term appears and inserting ''career''; and

[(2) in subsection (b)—

[(A) by striking paragraph (1) and inserting the following:

[''(1) DETERMINATION.—

[''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech-prep programs unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

[''(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

[''(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available.''; and

[(B) in paragraph (2), by striking ''fiscal effort'' both places the term appears and inserting ''average fiscal effort''.

[SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

[Section 214 (as redesignated by section 201 of this Act) is amended by striking ''vocational'' both places the term appears and inserting ''career''.

[SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

[Section 215 (as redesignated by section 201 of this Act) is amended by striking ''vocational'' and inserting ''career''.

[SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

[Part A of title II (as redesignated by section 201 of this Act) is amended—

[(1) by striking section 217;

[(2) by redesignating section 218 as section 217; and

[(3) in section 217 (as redesignated by paragraph (2) of this section)—

[(A) by inserting ''principals,'' after ''for vocational and technical education teachers,'';

[(B) by inserting ''principals,'' after ''of vocational and technical education teachers,''; and

[(C) by striking ''vocational'' each place the term appears and inserting ''career''.

[SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

[Section 225(c) (as redesignated by section 201 of this Act) is amended—

[(1) in the subsection heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

[(2) by striking ''vocational'' both places the term appears and inserting ''career''.

[SEC. 207. TABLE OF CONTENTS.

[Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

[''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[''Sec. 1. Short title; table of contents.
[''Sec. 2. Purpose.
[''Sec. 3. Definitions.
[''Sec. 4. Transition provisions.
[''Sec. 5. Privacy.
[''Sec. 6. Limitation.
[''Sec. 7. Special rule.
[''Sec. 8. Authorization of appropriations.

[''TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

[''PART A—ALLOTMENT AND ALLOCATION

[''Sec. 111. Reservations and State allotment.
[''Sec. 112. Within State allocation.
[''Sec. 113. Accountability.
[''Sec. 114. National activities.
[''Sec. 115. Assistance for the outlying areas.
[''Sec. 116. Native American program.
[''Sec. 117. Tribally controlled postsecondary career and technical institutions.
[''Sec. 118. Occupational and employment information.

[''PART B—STATE PROVISIONS

[''Sec. 121. State administration.
[''Sec. 122. State plan.
[''Sec. 123. Improvement plans.
[''Sec. 124. State leadership activities.

[''PART C—LOCAL PROVISIONS

[''Sec. 131. Distribution of funds to secondary school programs.
[''Sec. 132. Distribution of funds for postsecondary career and technical education programs.
[''Sec. 133. Special rules for career and technical education.
[''Sec. 134. Local plan for career and technical education programs.
[''Sec. 135. Local uses of funds.

[''PART D—TECH-PREP EDUCATION

[''Sec. 141. State allotment and application.

[''Sec. 142. Tech-prep education.
[''Sec. 143. Consortium applications.
[''Sec. 144. Authorization of appropriations.

[''TITLE II—GENERAL PROVISIONS

[''PART A—FEDERAL ADMINISTRATIVE PROVISIONS

[''Sec. 211. Fiscal requirements.
[''Sec. 212. Authority to make payments.
[''Sec. 213. Construction.
[''Sec. 214. Voluntary selection and participation.
[''Sec. 215. Limitation for certain students.
[''Sec. 216. Federal laws guaranteeing civil rights.
[''Sec. 217. Participation of private school personnel.

[''PART B—STATE ADMINISTRATIVE PROVISIONS

[''Sec. 221. Joint funding.
[''Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
[''Sec. 223. State administrative costs.
[''Sec. 224. Limitation on Federal regulations.
[''Sec. 225. Student assistance and other Federal programs.''.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Carl D. Perkins Career and Technical Education Improvement Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Transition provisions.
Sec. 6. Limitation.
Sec. 7. Authorization of appropriations.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

Sec. 101. Career and technical education assistance to the States.
Sec. 102. Reservations and State allotment.
Sec. 103. Within State allocation.
Sec. 104. Accountability.
Sec. 105. National activities.
Sec. 106. Assistance for the outlying areas.
Sec. 107. Native American program.
Sec. 108. Tribally controlled postsecondary career and technical institutions.
Sec. 109. Occupational and employment information.
Sec. 110. State administration.
Sec. 111. State plan.
Sec. 112. Improvement plans.
Sec. 113. State leadership activities.
Sec. 114. Distribution of funds to secondary school programs.
Sec. 115. Distribution of funds for postsecondary career and technical education programs.
Sec. 116. Special rules for career and technical education.
Sec. 117. Local plan for career and technical education programs.
Sec. 118. Local uses of funds.
Sec. 119. Tech-Prep education.

TITLE II—GENERAL PROVISIONS

Sec. 201. Redesignation of title.
Sec. 202. Fiscal requirements.
Sec. 203. Voluntary selection and participation.
Sec. 204. Limitation for certain students.
Sec. 205. Authorization of Secretary; participation of private school personnel.
Sec. 206. Student assistance and other Federal programs.
Sec. 207. Table of contents.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act 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 Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in paragraph (1), by striking ''standards'' and inserting ''and technical standards, and to assist students in meeting such standards, including student academic achievement standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions'';

(3) in paragraph (2), by inserting ''challenging'' after ''integrate'';

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

(5) in paragraph (4)—

(A) by inserting ''conducting and'' before ''disseminating national'';

(B) by inserting ''disseminating information on best practices,'' after ''national research,''; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(5) promoting leadership, initial preparation, and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

''(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career technical centers, local workforce investment boards, business and industry, professional associations, and intermediaries; and

''(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.''.

SEC. 4. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (29) and (30);

(2) by redesignating paragraphs (5), (6), (7) through (12), (13) through (16), (17) through (22), and (23) through (28), as paragraphs (10), (12), (14) through (19), (21) through (24), (26) through (31), and (33) through (38), respectively;

(3) in paragraph (2), by inserting '', including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate'' after ''to enter'';

(4) in paragraph (3)—

(A) in the paragraph heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

(B) by striking ''vocational'' each place the term appears and inserting ''career'';

(5) by striking paragraph (4) and inserting the following:

''(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment—

''(A) that is approved annually by the relevant administrators of—

''(i) a secondary institution and a postsecondary educational institution; or

''(ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

''(B) to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.'';

(6) by inserting after paragraph (4) (as amended by paragraph (5)) the following:

''(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

''(A) offer a sequence of courses (which may include work-based learning experiences) that—

''(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

''(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

''(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

''(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term 'career and technical education student' means a student who enrolls in a clearly defined sequence of career and technical education courses (which may include work-based learning experiences) leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

''(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

''(A) IN GENERAL.—The term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

''(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

''(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means providing access to information regarding career awareness and planning with respect to an individual's occupational and academic future that shall involve guidance and counseling with respect to career options, including baccalaureate degree programs, financial aid, and postsecondary options.

''(9) CAREER PATHWAY.—The term 'career pathway' means a coordinated and nonduplicative sequence of courses (which may include work-based learning experiences) and associated credits that—

''(A) shall identify both secondary and postsecondary education elements;

''(B) shall include challenging academic and career and technical education content that adequately prepares students to pursue the postsecondary education element identified under subparagraph (A);

''(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

''(D) culminates in technical skill proficiency, an industry-recognized credential, a certificate, a degree, or completion of a recognized apprenticeship program.'';

(7) in paragraph (10) (as redesignated by paragraph (2)), by striking ''5206'' and inserting ''5210'';

(8) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

''(11) COMMUNITY COLLEGE.—The term 'community college'—

''(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

''(B) includes tribally controlled colleges or universities.'';

(9) in paragraph (12) (as redesignated by paragraph (2))—

(A) by striking ''method of instruction'' and inserting ''method''; and

(B) by striking ''vocational'' and inserting ''career'';

(10) by inserting after paragraph (12) (as redesignated by paragraph (2) and amended by paragraph (9)) the following:

''(13) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.'';

(11) in paragraph (16) (as redesignated by paragraph (2)), by striking ''vocational'' both places the term appears and inserting ''career'';

(12) in paragraph (17) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking ''an institution of higher education'' and inserting ''a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree''; and

(B) in subparagraph (C), by striking ''vocational'' and inserting ''career'';

(13) in paragraph (18)(A) (as redesignated by paragraph (2)), by striking ''agency, an area vocational'' and inserting ''agency (including a public charter school that operates as a local educational agency), an area career'';

(14) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

''(20) GRADUATION AND CAREER PLAN.—The term 'graduation and career plan' means a written plan for a secondary career and technical education student, that—

''(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

''(B) is reviewed annually and modified as needed;

''(C) includes relevant information on—

''(i) secondary school requirements for graduating with a diploma;

''(ii) postsecondary education admission requirements; and

''(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

''(D) states the student's secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.'';

(15) by inserting after paragraph (24) (as redesignated by paragraph (2)) the following:

''(25) LOCAL WORKFORCE INVESTMENT BOARD.—The term 'local workforce investment board' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).'';

(16) in paragraph (26) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking ''TRAINING AND EMPLOYMENT'' and inserting ''FIELDS''; and

(B) by striking ''training and employment'' and inserting ''fields'';

(17) in paragraph (27) (as redesignated by paragraph (2)), by striking ''the Commonwealth'' and all that follows through the period and inserting ''and the Commonwealth of the Northern Mariana Islands.'';

(18) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

''(32) SELF-SUFFICIENCY.—The term 'self-sufficiency' means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.'';

(19) in paragraph (33) (as redesignated by paragraph (2))—

(A) in subparagraph (C), by striking ''training and employment'' and inserting ''fields''; and

(B) in subparagraph (F), by striking ''individuals with other barriers to educational achievement, including'';

(20) in paragraph (35) (as redesignated by paragraph (2)) by striking '', and instructional aids and devices'' and inserting ''instructional aids, and work supports'';

(21) by striking paragraph (36) (as redesignated by paragraph (2)) and inserting the following:

''(36) TECH-PREP PROGRAM.—The term 'tech-prep program' means a program of study that—

''(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

''(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

''(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

''(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses (which may include work-based learning experiences);

''(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

''(F) leads to placement in high skill, high wage employment or to further education; and

''(G) utilizes career pathways, to the extent practicable.''; and

(22) in paragraph (38) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking ''VOCATIONAL'' and inserting ''CAREER'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''vocational'' and inserting ''career'';

(ii) by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''; and

(iii) by striking ''paragraph (5)(A)'' and inserting ''subsection (a)(5)''; and

(C) in subparagraph (F), by striking ''vocational'' and inserting ''career''.

SEC. 5. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended by striking ''the Carl D. Perkins Vocational and Applied Technology Education Act'' and all that follows through the period and inserting ''this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.''.

SEC. 6. LIMITATION.

Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended—

(1) by striking ''title II'' and inserting ''part D of title I''; and

(2) by striking ''1999 through 2003'' and inserting ''2006 through 2011''.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

''TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES''.

SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

Section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in paragraph (1)(C), by striking ''2001 through 2003,'' and inserting ''2006 through 2011,''; and

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) MINIMUM ALLOTMENT.—Subject to paragraph (4), no State, other than the United States Virgin Islands, shall receive for a fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

''(4) HOLD HARMLESS.—

''(A) FISCAL YEARS 2006 THROUGH 2008.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2006 through 2008 that is less than the allotment the State received under this part (as this part was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005) for fiscal year 2005.

''(B) FISCAL YEARS 2009 THROUGH 2011.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2009 through 2011 that is less than 95 percent of the allotment the State received under this section for the preceding fiscal year.

''(C) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the requirements of subparagraph (A) or (B), the payments to all States under such subparagraph shall be ratably reduced.''.

SEC. 103. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding ''and'' after the semicolon; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) not more than 15 percent or $750,000, whichever is greater, for—

''(A) State leadership activities described in section 124, of which—

''(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

''(ii) not less than $60,000 shall be available for services that prepare individuals for nontraditional fields; and

''(B) administration of the State plan, which may be used for the costs of—

''(i) developing the State plan;

''(ii) reviewing the local plans;

''(iii) monitoring and evaluating program effectiveness;

''(iv) assuring compliance with all applicable Federal laws;

''(v) providing technical assistance; and

''(vi) supporting and developing State data systems relevant to the provisions of this Act.'';

(2) in subsection (b), by striking ''subsection (a)(3)'' both places the term appears and inserting ''subsection (a)(2)(B)''; and

(3) by striking subsection (c) and inserting the following:

''(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

''(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

''(A) rural areas; or

''(B) areas with high percentages or high numbers of career and technical education students;

''(2) reserve funds, with the approval of participating eligible recipients, for—

''(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

''(i) developing and implementing technical assessments;

''(ii) improving the initial preparation and professional development of career and technical education teachers, faculty, principals, administrators, and counselors; and

''(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

''(B) the development and implementation of career pathways or career clusters; and

''(3) carry out activities described in paragraphs (1) and (2).''.

SEC. 104. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (a)—

(A) by striking ''a State performance accountability system'' and inserting ''and support State and local performance accountability systems''; and

(B) by inserting ''and its eligible recipients'' after ''of the State'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (2)''; and

(ii) in subparagraph (B), by striking ''(2)(B)'' and inserting ''(2)(C)'';

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

''(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

''(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

''(iii) Student rates of attainment of—

''(I) a secondary school diploma;

''(II) the recognized equivalent of a secondary school diploma;

''(III) technical skill proficiency;

''(IV) an industry-recognized credential;

''(V) a certificate; and

''(VI) a degree.

''(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

''(v) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in nontraditional fields.'';

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

''(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

''(ii) Student attainment of technical skill proficiency, an industry-recognized credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

''(iii) Placement in military service, apprenticeship programs, or employment.

''(iv) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in—

''(I) nontraditional fields; and

''(II) high skill, high wage, high demand occupations or professions.

''(v) Increase in earnings, where available.'';

(iv) in subparagraph (C) (as redesignated by clause (ii) of this subparagraph), by striking ''the title.'' and inserting ''this title, such as attainment of self-sufficiency.'';

(v) in subparagraph (D) (as redesignated by clause (ii) of this subparagraph), by inserting ''career and technical education'' after ''developed State'';

(vi) in subparagraph (E) (as redesignated by clause (ii) of this subparagraph)—

(I) by striking ''this paragraph'' and inserting ''subparagraphs (A) and (B)'';

(II) by striking ''solely''; and

(III) by striking ''recipients.'' and inserting ''recipients, and shall meet the requirements of this section.''; and

(vii) by adding at the end the following:

''(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.'';

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''LEVELS'' and inserting ''STATE LEVELS'';

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (2)'';

(bb) by inserting ''after taking into account the local adjusted levels of performance and'' after ''eligible agency,''; and

(cc) by striking subclause (II) and inserting the following:

''(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.'';

(II) in clause (v)—

(aa) in the clause heading, by striking ''3RD, 4TH, AND 5TH'' and inserting ''SUBSEQUENT'';

(bb) by striking ''third program year'' and inserting ''third and fifth program years''; and

(cc) by striking ''third, fourth, and fifth'' and inserting ''corresponding subsequent'';

(III) in clause (vi)(II), by inserting ''and significant'' after ''continuous''; and

(IV) in clause (vii), by striking ''or (vi)'' and inserting ''or (v)''; and

(iii) in subparagraph (B), by striking ''(2)(B)'' and inserting ''(2)(C)''; and

(D) by adding at the end the following:

''(4) LOCAL LEVELS OF PERFORMANCE.—

''(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

''(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

''(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

''(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

''(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

''(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

''(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

''(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

''(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

''(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

''(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.''; and

(4) by striking subsection (c)(1)(B) and inserting:

''(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations and gender, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a

case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.''.

SEC. 105. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (a)(1), by striking '', including an analysis of performance data regarding special populations'' and inserting '', including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual'';

(3) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

''(2) INDEPENDENT ADVISORY PANEL.—

''(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

''(B) MEMBERS.—The advisory panel shall consist of—

''(i) educators, principals, administrators, and chief executives (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

''(ii) experts in evaluation, research, and assessment;

''(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and State workforce investment boards established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) or local workforce investment boards;

''(iv) parents;

''(v) career guidance and academic counseling professionals; and

''(vi) other individuals and intermediaries with relevant expertise.

''(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

''(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.'';

(B) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.'';

(ii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

''(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty;'';

(II) by striking clause (v) and inserting the following:

''(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

''(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

''(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

''(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

''(IV) the number of career and technical education students receiving a high school diploma;'';

(III) in clause (vi), by inserting '', and career and technical education students' preparation for employment'' after ''programs''; and

(IV) in clause (viii), by inserting ''and local'' after ''State'' both places such term appears; and

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress''; and

(bb) by striking ''2002'' both places it appears and inserting ''2009''; and

(II) in clause (ii), by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

(C) in paragraph (4)(B), by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''higher education'' and all that follows through ''centers'' and inserting ''higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center'';

(II) in clause (i)—

(aa) by inserting ''and evaluation'' after ''to carry out research''; and

(bb) by inserting '', including special populations,'' after ''participants'';

(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(IV) by inserting after clause (i) the following:

''(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

''(I) collaboration between career and technical education programs and business and industry;

''(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

''(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business;'';

(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting ''that are integrated with challenging academic instruction'' before '', including''; and

(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

''(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

''(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

''(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

''(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

''(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical education skills, State academic standards, and related materials; and

''(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and'';

(ii) in subparagraph (B)—

(I) by striking ''or centers'' both places the term appears; and

(II) by striking ''Committee on Education'' and all that follows through ''Senate'' and inserting ''relevant committees of Congress'';

(iii) in subparagraph (C), by striking ''or centers''; and

(iv) by adding at the end the following:

''(D) INDEPENDENT GOVERNING BOARD.—

''(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

''(ii) MEMBERS.—The independent governing board shall consist of the following:

''(I) Two representatives of secondary career and technical education.

''(II) Two representatives of postsecondary career and technical education.

''(III) Two representatives of eligible agencies.

''(IV) Two representatives of business and industry.

''(V) Two representatives of career and technical teacher preparation institutions.

''(VI) Two nationally recognized researchers in the field of career and technical education.

''(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.'';

(E) in paragraph (6)(B)(ii), by striking ''or centers''; and

(F) by striking paragraph (8); and

(4) by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.''.

SEC. 106. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

(B) in paragraph (1), by striking ''training and retraining;'' and inserting ''preparation;'';

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following:

''(2) professional development for teachers, faculty, principals, and administrators;''; and

(3) in subsection (d)—

(A) by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia, and''; and

(B) by striking ''2001'' and inserting ''2007''.

SEC. 107. NATIVE AMERICAN PROGRAM.

Section 116 (20 U.S.C. 2326) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (a)(5), by adding a period at the end;

(3) in subsection (b)—

(A) in paragraph (1), by striking ''(d)'' and inserting ''(c)''; and

(B) in paragraph (2), by striking ''(other than in subsection (i))'';

(4) in subsection (d), by striking ''section an'' and inserting ''section, an'';

(5) in subsection (e), by striking ''paragraph'' and inserting ''section''; and

(6) in subsection (h), by striking ''which are recognized by the Governor of the State of Hawaii''.

SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117 (20 U.S.C. 2327) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.'';

(2) by striking ''vocational'' each place the term appears and inserting ''career'';

(3) in subsection (g)—

(A) in paragraph (1), by striking ''The Secretary'' and inserting ''On an annual basis, the Secretary'';

(B) in paragraph (2)(B), by striking ''2000'' and inserting ''2007''; and

(C) in paragraph (3)(C), by striking ''beginning'' and all that follows through the period and inserting ''beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.'';

(4) by redesignating subsections (h) and (i) as subsections (j) and (k), respectively;

(5) by inserting after subsection (g) the following:

''(h) APPEALS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

''(A) A determination that such institution is not eligible for a grant under this section.

''(B) A determination regarding the calculation of the amount of a grant awarded under this section.

''(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

''(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

''(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

''(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

''(ii) identify the amount of funding that gives rise to such appeal.

''(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.

''(i) RESTRICTED INDIRECT COST.—Notwithstanding any other provision of law, the Secretary shall not request the use of a restricted indirect cost rate for grants awarded under this section.''; and

(6) by striking subsection (k) (as redesignated by paragraph (4) of this section) and inserting the following:

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(f)'' and inserting ''(g)'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''(b)'' both places it appears and inserting ''(c)'';

(ii) in subparagraph (B), by striking ''(b)'' and inserting ''(c)''; and

(iii) in subparagraph (C), by striking ''(b)'' and inserting ''(c)''; and

(C) in paragraph (2), by striking ''(b)'' both places it appears and inserting ''(c)'';

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) STATE APPLICATION.—

''(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

''(B) information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.'';

(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

(A) in paragraph (1), by striking ''individuals'' and all that follows through the semicolon and inserting ''students and parents, including postsecondary education and training, including academic and technical preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;'';

(B) in paragraph (2), by inserting ''academic and career and technical'' after ''relate'';

(C) by striking paragraph (3) and inserting the following:

''(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields, including occupations and fields requiring a baccalaureate degree;'';

(D) in paragraph (4), by striking ''such entities;'' and inserting ''such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;'';

(E) in paragraph (5), by striking ''and'' after the semicolon;

(F) in paragraph (6), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(7) to provide information, if available, for each occupation, on—

''(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

''(B) the expected lifetime earnings; and

''(C) the expected future demand for the occupation, based on employment projections.'';

(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking ''(b)'' both places it appears and inserting ''(c)'';

(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking ''(b)'' and inserting ''(c)'';

(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking ''an identification'' and inserting ''a description''; and

(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking ''1999 through 2003'' and inserting ''2006 through 2011''.

SEC. 110. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended—

(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) by striking the following:

''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

''(1) IN GENERAL.—The responsibilities'' and inserting the following:

''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities'';

(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking ''training and employment'' and inserting ''fields'';

(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

(A) by inserting ''teacher and faculty preparation programs,'' after ''teachers,''; and

(B) by inserting ''all types and sizes of'' after ''representatives of''; and

(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

SEC. 111. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''5'' and inserting ''6''; and

(ii) by adding at the end the following: ''Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency's State plan submission obligation under this section.''; and

(B) in paragraph (2)(B), by striking ''5 year State plan'' and inserting ''6-year period'';

(3) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)) and carried out by one-stop partners, the State workforce investment board, interested community members (including parent and community organizations), representatives of special populations, representatives of business and industry (including representatives of small business and economic development entities), and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.'';

(4) by striking subsection (c) and inserting the following:

''(c) PLAN CONTENTS.—The State plan shall include information that—

''(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

''(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

''(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

''(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

''(iii) make available information about career pathways offered by eligible recipients; and

''(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

''(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

''(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

''(i) promote higher levels of academic achievement;

''(ii) promote higher levels of technical skill attainment; and

''(iii) identify and address workforce needs;

''(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

''(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

''(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

''(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

''(ii) at the postsecondary level that are relevant and challenging;

''(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

''(A) promote the integration of challenging academic curricula and career and technical education curricula, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

''(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

''(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

''(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

''(E) equip career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors with the knowledge and skills needed to work with and improve instruction for special populations;

''(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

''(G) enhance the leadership capacity of principals and administrators;

''(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

''(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

''(3) describes efforts to improve—

''(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

''(B) the transition to teaching from business and industry, including small business;

''(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

''(5) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) statewide articulation agreements between sub-baccalaureate career and technical education programs and baccalaureate degree programs;

''(B) postsecondary dual and concurrent enrollment programs;

''(C) academic and financial aid counseling; and

''(D) other initiatives to encourage the pursuit of a baccalaureate degree and to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

''(6) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), State workforce investment boards, local workforce investment boards, economic development entities, and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

''(7) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

''(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

''(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

''(8) describes how the eligible agency will—

''(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

''(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

''(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

''(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

''(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

''(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

''(9) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

''(10) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

''(A) will be provided with equal access to activities assisted under this title;

''(B) will not be discriminated against on the basis of their status as members of the special populations; and

''(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

''(11) how the eligible agency will collaborate in developing the State plan with—

''(A) the entity within the State with responsibility for elementary and secondary education;

''(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

''(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

''(D) all other relevant State agencies with responsibility for career and technical education and training investment, and economic and workforce development;

''(12) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

''(13) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

''(14) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

''(15) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in

order to adequately measure the progress of the students, including special populations, at—

''(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

''(B) the postsecondary level, disaggregated by special populations, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

''(16) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

''(17) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

''(18) describes how career and technical education relates to State and regional occupational opportunities;

''(19) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education and workforce investment programs;

''(20) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions;

''(21) describes how funds will be used to serve individuals in State correctional institutions;

''(22) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

''(23) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.'';

(5) by striking subsection (d) and inserting the following:

''(d) PLAN OPTIONS.—

''(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

''(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.''; and

(6) by striking subsection (f).

SEC. 112. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

''SEC. 123. IMPROVEMENT PLANS.

''(a) STATE PROGRAM IMPROVEMENT PLAN.—

''(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

''(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

''(3) FAILURE.—

''(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet more than 1 of the State adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

''(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

''(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

''(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

''(b) LOCAL PROGRAM IMPROVEMENT.—

''(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

''(2) PLAN.—

''(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

''(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

''(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

''(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

''(B) CONSULTATION.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

''(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

''(4) FAILURE.—

''(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

''(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.''.

SEC. 113. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) in subsection (a), by striking ''112(a)(2)'' and inserting ''112(a)(2)(A)'';

(3) in subsection (b)—

(A) in paragraph (1), by striking ''further learning'' and all that follows through the semicolon and inserting ''further education, further training, or for high skill, high wage, or high demand occupations;'';

(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

''(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

''(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

''(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, workforce investment entities, and communications entities;'';

(C) by striking paragraph (3) and inserting the following:

''(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

''(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

''(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

''(C) support education programs for teachers and faculty of career and technical education in

public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

''(i) stay current with the needs, expectations, and methods of industry;

''(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

''(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

''(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;'';

(D) in paragraph (4), by striking ''support for'' and inserting ''supporting'';

(E) in paragraph (5), by striking ''nontraditional training and employment'' and inserting ''nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations'';

(F) in paragraph (6)—

(i) by inserting ''intermediaries,'' after ''labor organizations,''; and

(ii) by inserting '', or complete career pathways, as described in section 122(c)(1)(A)'' after ''skills'';

(G) in paragraph (7), by striking ''and'' after the semicolon;

(H) in paragraph (8), by striking ''wage careers.'' and inserting ''wage, or high demand occupations; and''; and

(I) by adding at the end the following:

''(9) technical assistance for eligible recipients.'';

(4) by striking subsection (c) and inserting the following:

''(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

''(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

''(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

''(3) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

''(B) postsecondary dual and concurrent enrollment programs;

''(C) academic and financial aid counseling; and

''(D) other initiatives—

''(i) to encourage the pursuit of a baccalaureate degree; and

''(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

''(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

''(5) support for public charter schools operating secondary career and technical education programs;

''(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

''(7) support for family and consumer sciences programs;

''(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

''(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

''(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

''(11) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.);

''(12) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(13) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

''(14) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

''(15) improving—

''(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

''(B) the transition to teaching from business and industry, including small business; and

''(16) adopting, calculating, or commissioning a self-sufficiency standard.''; and

(5) in subsection (d), by striking ''112(a)(2)'' and inserting ''112(a)(2)(A)''.

SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

(A) in the subsection heading, by striking ''SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS'' and inserting ''DISTRIBUTION RULES''; and

(B) by striking ''for fiscal year 2000 and succeeding fiscal years'';

(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

(A) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(B) in paragraph (1), by striking ''9902(2))'' and inserting ''9902(2)))'';

(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking ''subsections (a), (b), (c), and (d)'' and inserting ''subsections (a), (b), and (c)''.

SEC. 115. DISTRIBUTION OF FUNDS FOR POST-SECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 132 (20 U.S.C. 2352) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 132. DISTRIBUTION OF FUNDS FOR POST-SECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.'';

and

(2) in subsection (a)—

(A) in paragraph (1), by inserting ''for career and technical education programs leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree'' before the period; and

(B) in paragraph (2), by inserting ''leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree and'' after ''enrolled in programs''.

SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.'';

and

(2) by striking ''vocational'' each place such term appears and inserting ''career''.

SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.'';

(2) in subsection (a), by inserting ''and workforce investment'' after ''such other educational''; and

(3) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

''(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

''(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

''(3) describe how the eligible recipient will—

''(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

''(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

''(C) provide students with strong experience in and understanding of all aspects of an industry; and

''(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

''(4) describe how comprehensive professional development will be provided that is consistent with section 122;

''(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of the local workforce investment board (if applicable), representatives of the local economic development entity (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted

under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

''(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

''(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

''(8) describe how the eligible recipient—

''(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

''(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of performance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

''(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

''(10) describe how funds will be used to promote preparation for nontraditional fields;

''(11) describe how career guidance and academic counseling will be provided to all career and technical education students, including linkages to the information and services available through the one-stop delivery system established under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841), as appropriate; and

''(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.''.

SEC. 118. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (a), by striking ''vocational'' and inserting ''career'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''vocational'' and inserting ''career''; and

(B) by striking paragraphs (1) through (8) and inserting the following:

''(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

''(2) link secondary career and technical education and postsecondary career and technical education, including by—

''(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

''(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

''(C) supporting tech-prep programs and consortia;

''(3) provide students with strong experience in and understanding of all aspects of an industry;

''(4) develop, improve, or expand the use of technology in career and technical education, which may include—

''(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

''(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

''(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

''(A) in-service and pre-service training—

''(i) in career and technical education programs and techniques;

''(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

''(iii) in effective teaching skills based on research that includes promising practices; and

''(iv) in effective practices to improve parental and community involvement;

''(B) support of education programs that provide information on all aspects of an industry;

''(C) internship programs that provide relevant business experience; and

''(D) programs dedicated to the effective use of instructional technology;

''(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

''(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

''(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

''(9) provide activities to prepare special populations, including single parents and displaced homemakers (if enrolled in the program), for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''vocational'' and inserting ''career''; and

(B) by striking paragraphs (2) through (15) and inserting the following:

''(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

''(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

''(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

''(3) for partnerships between or among the eligible recipient and a business (including a small business or business intermediary), a local workforce investment board, or a local economic development entity, including for—

''(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

''(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

''(C) industry experience for teachers and faculty;

''(4) to provide programs for special populations;

''(5) to assist career and technical student organizations;

''(6) for mentoring and support services;

''(7) for leasing, purchasing, upgrading, or adapting instructional equipment, including support for library resources, such as business journals, publications, and other related resources designed to strengthen and support academic and technical skill achievement;

''(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

''(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

''(10) to develop initiatives that facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

''(B) postsecondary dual and concurrent enrollment programs;

''(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that inform the students of the opportunities for pursuing a baccalaureate degree and advise the students on how to meet any transfer requirements; and

''(D) other initiatives—

''(i) to encourage the pursuit of a baccalaureate degree; and

''(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

''(11) for improving or developing new career and technical education courses, including entrepreneurship and development of new career pathways;

''(12) to develop and support small, personalized career-themed learning communities;

''(13) to provide support for family and consumer sciences programs;

''(14) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

''(15) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(16) to support activities in nontraditional fields, such as mentoring and outreach; and

''(17) to support other career and technical education activities that are consistent with the purpose of this Act.''.

SEC. 119. TECH-PREP EDUCATION.

(a) REDESIGNATION.—Title II (20 U.S.C. 2371 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''PART D—TECH-PREP EDUCATION'';

(2) by striking sections 201, 202, 206, and 207; and

(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

(b) STATE ALLOTMENT AND APPLICATION.—Section 141 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking ''section 206'' and inserting ''section 144''; and

(2) by striking subsection (c) and inserting the following:

''(c) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.''.

(c) TECH-PREP EDUCATION.—Section 142 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''section 203'' and inserting ''section 141'';

(ii) by striking ''title'' and inserting ''part'';

(iii) by striking ''vocational'' both places the term appears and inserting ''career''; and

(iv) in subparagraph (A), by inserting '', educational service agency,'' after ''intermediate educational agency''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'';

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) employers, including small businesses, or business intermediaries; and

''(D) labor organizations.'';

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

''(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;'';

(B) in paragraph (3)(B), by inserting ''including through the use of articulation agreements, and'' after ''career fields,'';

(C) by striking paragraph (4) and inserting the following:

''(4) include in-service professional development for teachers, faculty, principals, and administrators that—

''(A) supports effective implementation of tech-prep programs;

''(B) supports joint training in the tech-prep consortium;

''(C) supports the needs, expectations, and methods of business and all aspects of an industry;

''(D) supports the use of contextual and applied curricula, instruction, and assessment;

''(E) supports the use and application of technology; and

''(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;'';

(D) in paragraph (5)—

(i) by striking ''training'' and inserting ''professional development'';

(ii) in subparagraph (B), by inserting '', which may include through the use of graduation and career plans'' after ''programs'';

(iii) in subparagraph (D), by striking ''and'';

(iv) in subparagraph (E), by inserting ''and'' after the semicolon; and

(v) by adding at the end the following:

''(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;'';

(E) in paragraph (6)—

(i) by inserting ''(including pre-apprenticeship programs)'' after ''programs''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(8) coordinate with activities conducted under this title.''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

''(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.''.

(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking ''title'' and inserting ''part'';

(2) in subsection (b)—

(A) by striking ''5'' and inserting ''6''; and

(B) by striking ''title'' and inserting ''part'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or advanced'' after ''baccalaureate'';

(B) by striking paragraph (4) and inserting the following:

''(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;'';

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C.''; and

(4) in subsection (e), by striking ''title'' and inserting ''part''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

(1) by striking ''title (other than section 207)'' and inserting ''part''; and

(2) by striking ''1999 and each of the 4'' and inserting ''2006 and each of the 5''.

TITLE II—GENERAL PROVISIONS

SEC. 201. REDESIGNATION OF TITLE.

(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

"TITLE II—GENERAL PROVISIONS".

SEC. 202. FISCAL REQUIREMENTS.

Section 211 (as redesignated by section 201 of this Act) is amended—

(1) by striking ''vocational'' each place the term appears and inserting ''career''; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for activities authorized under title I unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

''(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

''(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available.''; and

(B) in paragraph (2), by striking ''fiscal effort'' both places the term appears and inserting ''average fiscal effort''.

SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

Section 214 (as redesignated by section 201 of this Act) is amended by striking ''vocational'' both places the term appears and inserting ''career''.

SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

Section 215 (as redesignated by section 201 of this Act) is amended by striking ''vocational'' and inserting ''career''.

SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

Part A of title II (as redesignated by section 201 of this Act) is amended—

(1) by striking section 217;

(2) by redesignating section 218 as section 217; and

(3) in section 217 (as redesignated by paragraph (2) of this section)—

(A) by inserting ''principals,'' after ''for vocational and technical education teachers,'';

(B) by inserting ''principals,'' after ''of vocational and technical education teachers,''; and

(C) by striking ''vocational'' each place the term appears and inserting ''career''.

SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

Section 225(c) (as redesignated by section 201 of this Act) is amended—

(1) in the subsection heading, by striking ''VOCATIONAL'' and inserting ''CAREER''; and

(2) by striking ''vocational'' both places the term appears and inserting ''career''.

SEC. 207. TABLE OF CONTENTS.

Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:.

''Sec. 1. Short title; table of contents.
''Sec. 2. Purpose.
''Sec. 3. Definitions.
''Sec. 4. Transition provisions.
''Sec. 5. Privacy.
''Sec. 6. Limitation.
''Sec. 7. Special rule.
''Sec. 8. Authorization of appropriations.

''TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

''PART A—ALLOTMENT AND ALLOCATION

''Sec. 111. Reservations and State allotment.
''Sec. 112. Within State allocation.
''Sec. 113. Accountability.
''Sec. 114. National activities.
''Sec. 115. Assistance for the outlying areas.
''Sec. 116. Native American program.
''Sec. 117. Tribally controlled postsecondary career and technical institutions.
''Sec. 118. Occupational and employment information.

''PART B—STATE PROVISIONS

''Sec. 121. State administration.
''Sec. 122. State plan.
''Sec. 123. Improvement plans.
''Sec. 124. State leadership activities.

''PART C—LOCAL PROVISIONS

''Sec. 131. Distribution of funds to secondary school programs.
''Sec. 132. Distribution of funds for postsecondary career and technical education programs.
''Sec. 133. Special rules for career and technical education.
''Sec. 134. Local plan for career and technical education programs.
''Sec. 135. Local uses of funds.

''PART D—TECH-PREP EDUCATION

''Sec. 141. State allotment and application.

''Sec. 142. Tech-prep education.
''Sec. 143. Consortium applications.
''Sec. 144. Authorization of appropriations.
''TITLE II—GENERAL PROVISIONS
''PART A—FEDERAL ADMINISTRATIVE PROVISIONS
''Sec. 211. Fiscal requirements.
''Sec. 212. Authority to make payments.
''Sec. 213. Construction.
''Sec. 214. Voluntary selection and participation.
''Sec. 215. Limitation for certain students.
''Sec. 216. Federal laws guaranteeing civil rights.
''Sec. 217. Participation of private school personnel.
''PART B—STATE ADMINISTRATIVE PROVISIONS
''Sec. 221. Joint funding.
''Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
''Sec. 223. State administrative costs.
''Sec. 224. Limitation on Federal regulations.
''Sec. 225. Student assistance and other Federal programs.''.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senate for considering this bill at this moment. It is a bill that has wide bipartisan support. I thank Senator KENNEDY and all of the members of the Health, Education, Labor, and Pensions Committee and all of the staff members who have worked on this bill. It has been a tremendous bipartisan effort to make sure that we will have as many people able to enter the workforce with good skills as possible and to make an improvement in the way high schools operate.

I thank a number of Senators for being cosponsors: Senators GREGG, ALEXANDER, DODD, JEFFORDS, MURRAY, HARKIN, MIKULSKI, CLINTON, REED, BINGAMAN, SESSIONS, BURNS, THOMAS, ISAKSON, and ROBERTS. Of course, those are in addition to the two main sponsors, Senator KENNEDY and myself.

We are pleased to have a bipartisan effort, one that strengthens and improves the Federal program designed to support career and technical education. I am pleased the Senate is able to consider this legislation at this time.

This legislation was reported favorably by the Health, Education, Labor, and Pensions Committee yesterday morning and it was by unanimous vote. I am encouraged by the wide range of support in the committee and outside, and there are good reasons for that. The program adds emphasis to academic instruction. It provides career training. It is already at work in all of the schools and is making some great inroads. And those will be much better with these changes.

I have to mention a couple of examples of the ways this is working in Wyoming. In Casper, WY right now, the community college and the school district are working on plans to create a hybrid career and technical education center which will help students earn credit toward a college degree, learn relevant job skills, and meet State academic standards all through a single sequence of courses. The legislation encourages more schools to begin innovative programs such as the one developed in Casper.

The second reason the legislation is important is because it will help ensure that we are preparing students for tomorrow's workforce. We are in the midst of a skills revolution. Students going to school probably will not go to work for a single company and work there 30 years and then retire. The statistics show that they will probably have 14 different careers—not 14 different jobs, 14 different careers. Many of them won't even have been invented now. It is very important that we have a flexible learning environment that will allow them to cope with these changes.

I also wanted to mention a program in Rock Springs, WY. Ted Schroeder, a career and technical education teacher, has demonstrated firsthand the success that comes from connecting career and technical education to the needs of business. In response to complaints heard from local businesses about the need for students with stronger accounting skills, Ted went looking for a program that could help train his students with the skills requested by the businesses. I am very pleased that it was accounting, too. We could use a couple more accountants in the Senate.

Working with local teachers and school leaders, Ted began a computer-based accounting program at the high school in Rock Springs and has been enrolling students successfully for the past few years. Some of the students are now moving on to community college. Some have moved into the workforce where they are successfully meeting a need for the business community and for their own lives.

A final reason, too, for this being important legislation is that it provides a foundation for the redesign of Federal education policy.

I have a letter from the Secretary of Education that asks some questions that we have answers for based on the work we did putting this bill together. I ask unanimous consent that her letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF EDUCATION,
Washington, DC, March 9, 2005.

Hon. MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my strong opposition to S. 250, the Carl D. Perkins Career and Technical Education Improvement Act of 2005, which would reauthorize the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins Act). The Perkins Act is currently the primary Federal funding source for educational programs in high schools. Unfortunately, in its current form, the bill does little to address the urgent challenge that has been highlighted by both President Bush and the nation's governors to reform our Nation's high schools.

Given the changing dynamic of the workforce, all students, including those in vocational and technical education programs, need to complete high school with a high level of academic skills and be prepared to participate in the globally competitive workforce. Unfortunately, recent results from the National Assessment of Educational Progress (NAEP) demonstrate that, while achievement for our Nation's fourth- and eighth-graders is on the rise, scores for twelfth-graders have declined in both reading and mathematics. Currently just 68 out of every 100 ninth-graders will graduate from high school on time, and two-thirds of students leave high school without the skills to succeed in college. Clearly, our high schools are not getting the job done for America's students. With governors and educators just beginning to consider various reform options, the President's High School Initiative is essential to foster nationwide efforts to transform our high schools.

As you are aware, the President's fiscal year 2006 budget request proposed to eliminate funding for the Vocational Education State Grants and National programs, authorized by the Perkins Act. Career and technical education programs, at their best, can provide students with both strong academic and advanced technical skills, in a ''real-world'' context that can hold up against the best schools and colleges, both in the United States and internationally. However, under the Program Assessment Rating Tool (PART) process, the Vocational Education State Grants program, by far the largest component of the Perkins Act, was rated ineffective because it has produced little evidence of improved outcomes for students despite decades of Federal investment. On the most recent NAEP assessments, less than 10 percent of vocational students scored at or above proficiency in mathematics (2000) and only 29 percent scored at or above proficiency in reading (1998). In its final report to Congress in June 2004, the National Assessment of Vocational Education (NAVE) found no evidence that high school vocational courses themselves contribute to academic achievement or college enrollment. Also, the NAVE did find that high school students, on average, earn more credits in vocational education (4.2) than in math (3.5) or science (3.2). In addition, the most telling data come from employers—according to a February 2005 Achieve, Inc. survey, employers estimate that 39 percent of high school graduates who have no further education are not prepared for their current job and 45 percent are unprepared for advancement.

As a result of these findings, and the widely recognized need for a more comprehensive approach to the improvement of high school education, the President instead proposes that these funds be redirected to support a new High School Initiative to improve achievement and narrow achievement gaps at the high school level. This proposed initiative will give educators greater flexibility to design and implement programs that best meet the needs of all students, including career and technical education students. The fiscal year 2006 budget also includes funds to improve access to community colleges and to expand the training programs administered by those institutions.

Enactment of S. 250 in its current form would continue to reauthorize, with little change, the very programs that have been ineffective in improving the quality of education of our Nation's career and technical education students. It would be irresponsible to continue an investment in a program that does not improve the education of students at the high school level.

The Perkins Act requires fundamental changes to its mission and focus. While the Administration still supports a redirection of Perkins funds, any extension of the Perkins Act should, at the very least:

Promote a stronger academic foundation by ensuring that all career and technical education (CTE) students receiving services under the Perkins Act have access to a rigorous academic curriculum to prepare them to enter college or the workforce. CTE students should have a smooth transition to a postsecondary education program leading to a technical certificate, an associate or baccalaureate degree, an apprenticeship, or a job. This change will support the findings of the American Diploma Project, which concluded, ''successful preparation for both postsecondary education and employment requires learning the same rigorous English and mathematics content and skills. No longer do students planning to go to work after high school need a different and less rigorous curriculum than those planning to go to college.''

Require that, by school year 2009–2010, students participating in Perkins Act programs be tested annually in three high school grades in reading/language arts and math in order to assess their progress in meeting State standards. The President's FY 2006 budget proposed funding for high school assessments so that principals and teachers have new tools and data to meet the needs of individual students and strengthen high school accountability.

Give the Secretary adequate authority to establish common measures to assess program performance and to ensure that data provided by the States are valid and reliable. In the bill's current form, State performance measures would not have to be valid or reliable indicators of what they purport to measure. It is thus inequitable to sanction eligible recipients, as the bill allows, for failure to meet performance levels if the performance measures themselves do not meet basic standards of validity and reliability.

Provide the Secretary authority to negotiate specific performance measures and targets, in percentage form, with each State. Currently, the bil1 would permit States to continue using previously developed performance measures and would limit the role of the Secretary to reaching agreement on the percentage or numbers of students who attain the State-adjusted levels of performance.

The Office of Management and Budget advises that there is no objection to the submission of this report.

Sincerely,

MARGARET SPELLINGS.

This legislation reflects a bipartisan effort to strengthen and improve Federal programs designed to support career and technical education. I am very pleased to have introduced this bill with my friend and colleague from Massachusetts, Senator KENNEDY.

This legislation was reported favorably by the Senate Health, Education, Labor and Pensions Committee yesterday morning by a unanimous vote. I am encouraged by the wide range of support for this legislation as we move forward in the legislative process.

This legislation is important for three reasons. The 1st reason is the added emphasis on academic instruction. I commend the President and the Governors for raising the issue of high school reform, and I believe this legislation is an important part of that process. Improving and strengthening the academic focus of the Perkins Act is part of a much larger effort to ensure that today's students will be ready for tomorrow's reality, whether it is in college or the workplace.

In 1998, when Congress last reauthorized the Perkins program, additional emphasis on student academic achievement was incorporated into the bill. That emphasis was critical, and the results have been demonstrated in the program. More Perkins students are performing better on national reading and math assessments than ever before.

According to a recent study of Arizona career and technical education students, students in career and technical training courses were more likely to meet State math proficiency levels than students not enrolled in technical training courses. That's good, because today's jobs are requiring stronger academic preparation than ever before, especially in math and science.

We are also facing a significant problem in terms of today's students completing high school. Many college instructors and employers agree that public high school graduates are not prepared for college-level classes or to advance beyond entry level jobs.

Only 68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year; and, that for minority students this number hovers around 50 percent. In addition, we continue to experience an overall drop out rate of 11 percent per year.

Another recent study, conducted by the Organization for Economic Cooperation and Development, shows that American students are lagging behind the international average in math proficiency. Another study by this same group has pointed out that American high school students are less likely to complete high school than their peers in other countries. In that study, the United States ranked sixteenth out of twenty nations studied in terms of graduation rates.

The legislation we are now considering emphasizes high school completion by making academic courses more relevant. According to the National Assessment of Vocational Education, released last year, career and technical education students are three times more likely to apply academic skills to job related tasks than students in academic courses.

Making learning relevant is one of the best ways to ensure students stay interested in their coursework, while also preparing them for college or the workforce.

The National Governors Association recently held an education summit here in Washington, DC, to discuss the issue of high school reform and how we can do a better job of graduating students on time with the knowledge and skills they need to succeed in life. According to their report, high school is now the front line in America's battle to remain competitive on the increasingly competitive international economic stage.

In the bill we are now considering, we have made academic achievement one of several core indicators of performance for programs receiving funds from this act. As states are elevating their expectations for students under No Child Left Behind, we anticipate that career and technical education students will benefit from those same high expectations. We believe that career and technical education programs should be able to take credit for helping students improve their academic achievement in core subject areas, like reading, math, and science.

This legislation also emphasizes the connection to postsecondary education. Many of today's high schools students are entering college behind the curve before they even start. Twenty-eight percent of college students are taking some remedial education courses before graduating. We need to make sure that more high school students are receiving the instruction they need before they leave high school in order to be successful in college.

The impact of the need for remedial academic instruction has dramatic consequences. As many as three in four students requiring remedial reading instruction will not complete a postsecondary degree program. Over 60 percent of students requiring remedial math education will not complete a postsecondary degree.

The Perkins program can help address the ''wasted senior year'' by helping to improve student academic achievement. It does that by linking learning to relevant applications and tasks. Students that are excited about learning will always do better, and a great way to get students excited about learning is to show them how they will use some the skills they're learning.

For many students, understanding how they will use the skills they learn can mean the difference between completing a high school degree and dropping out. For others, it means greater investment in their studies than they might otherwise have.

The Perkins program can support students in high school by providing strong academic courses linked through a career pathway that will help reduce the need for remedial education.

The Perkins program is in a unique position to help prevent the need for additional remedial education at the postsecondary level. Because the program provides funds to both secondary and postsecondary schools, programs are more coordinated, and students have broader exposure to postsecondary education before leaving high school. A number of programs enabling students to earn concurrent credits for high school and college are springing up within the Perkins program, helping students prepare for college and reduce their time to graduation from a postsecondary degree certificate or degree program.

In Casper, WY, right now, the community college and the school district are working on plans to create a hybrid career and technical education center, which will help students earn credit toward a college degree, learn relevant

job skills, and meet state academic standards, all through a single sequence of courses. This legislation encourages more schools to begin innovative programs like the one being developed in Casper.

The second reason this legislation is important is because it will help ensure we are preparing students for tomorrow's workforce. We are in the midst of a skills revolution. It is estimated that today's students leaving high school or college will have fourteen different careers in their lifetimes. It is also estimated that the top 10 jobs ten years from now haven't been invented yet. The question that faces all of us, put simply, is ''got skills?''

We must equip our workers with the skills the technology-driven economy demands. We need to prepare our students for tomorrow's economy in order to remain competitive in the global marketplace. China is graduating four times as many engineers as the United States, and there is no way for us to catch up in terms of raw numbers of graduates. The only way we can compete is to graduate students with the highest quality academic and technical skills. If we are going to support a strong economy, we need to ensure our students have the high quality skills they need to succeed in postsecondary education and the workforce.

Earlier this week on the Senate floor we discussed the need for skills training and its impact on wages. I made a speech to the effect that the problem we are facing is one of minimum skills—not minimum wages. The effect may be low wages, but the cause is low skills. We need to address those workers who have few, if any, of the skills they need to compete for a better job and command higher wages. We need to start thinking in terms of skills, the kinds of skills that will help students support themselves and their families in the future.

Research suggests that high school dropouts have an unemployment rate two times higher than high school graduates, and three times higher than college graduates. Over time, the earning differential between high school and college graduates has increased as well. In 1980, college graduates earned fifty percent more during their lifetime than high school graduates. Today this differential has increased to 100 percent and continues to expand.

The Perkins program helps students learn and develop the skills they need to compete in the workforce. In the bill before us, we've emphasized the need to prepare students for placement in high skill, high wage, or high demand occupations. These are the types of jobs that will ensure a stronger future for students and will help them become self-sufficient.

Eighty percent of the jobs created over the next ten years will require some postsecondary education. However, the majority of those jobs will require less than a four year degree. This is a critical issue, and we need to start now to meet the needs of the future workforce. I believe that a stronger, more effective Perkins program is an important way to address this issue.

As you can see on this chart, by 2010 we face a projected skilled worker shortage of 5.3 million workers. That's 5.3 million American jobs that can't be filled because our workers don't have the right skills. That is why career and technical education funds are so critical to the supply of skilled labor in this country. These are precisely the types of careers for which the Perkins program is preparing students. Career and technical programs in this country are preparing engineers, health care professionals, information technology workers, trade, industry, and business leaders, and a host of other careers.

One of the most critical improvements we've made to the Perkins program in this bill is to strengthen the connection of career and technical education programs to the needs of businesses. If we are going to help fill the growing need for skilled workers, we need to ensure Perkins programs are coordinating their instruction with current practices in industry and the needs of the local workforce.

In Rock Springs, WY, Ted Schroeder, a career and technical education teacher, has demonstrated firsthand the success that comes from connecting career and technical education to the needs of business. In response to complaints heard from local businesses about the need for students with stronger accounting skills, Ted went looking for a program that could help train his students with the skills requested by the businesses.

Working with local school leaders, Ted began a computer-based accounting program at the high school in Rock Springs and has been enrolling students successfully for the past few years. Some of those students are now moving on to community college or the workforce.

That's the type of relevant instruction that we need to encourage and that we are encouraging through this bill. I would expect that the students performing well in that accounting class are also performing well on state math assessments in Wyoming.

The final reason that this legislation is important is because it provides a foundation for the redesign of federal education policy. We need to structure Federal education policies that provide students and adult learners have access to lifelong education opportunities. In this 21st century economy, learning never ends, and school is never out.

The Perkins Act is one part of a ''three-legged stool'' of federal education and training programs, all of which we will be considering this year. The other two key pieces of this approach are the Workforce Investment Act, and the Higher Education Act.

If we are going to stay competitive, Federal education programs need to help support seamless transitions from education to the workforce, throughout life, from preschool through postsecondary education and beyond. The bill we are considering takes the first step in that direction by emphasizing the connection between academic and technical education and the workforce and postsecondary education. The Workforce Investment Act and the Higher Education Act will be the next critical steps in ensuring that American students are prepared for today and tomorrow's careers, many which haven't been invented yet.

Today's students are more and more likely to return to school throughout their lives for additional training. Some estimates suggest that as many as 75 percent of today's workers will need additional training just to stay current with their jobs. The modern college student reflects this trend perfectly. Today's average college student is likely to be older than 24, independent, and more likely to be female.

That snapshot reflects the reality that today's college students are there for training and technical skills acquisition more than anything else. Postsecondary education is one of the fastest means to advancement in today's economy. With a postsecondary education, workers are more likely to keep their jobs and take advantage of opportunities to grow and advance in the workforce, or transition to another occupation as the workforce changes.

Federal policy needs to reflect the 21st century reality that we are in the midst of a jobs revolution. We are going to experience dramatic changes in the workforce over the next ten to fifteen years, and we need to start now if we are going to adapt Federal education and training policy to meet the coming crisis of too few workers with too few skills.

I am grateful for the work of my colleagues and the distinguished ranking member of the committee on this legislation. We were able to move this bill quickly through committee, and now to the floor, because we were able to work in a bipartisan manner to reauthorize a program that the members of the Health, Education, Labor and Pensions Committee feel is an important part of the federal education and training system.

I hope that we will be able to proceed quickly to conference with the House. I know they marked up their legislation yesterday as well, and I expect they will also proceed quickly to floor consideration.

We look forward to working with the House to conference this bill and send it to President for signature this spring.

I am hopeful we will be able to complete action on this bill quickly and send it to the President for signature, so that we can begin work on the Workforce Investment Act and the Higher Education Act, the next critical pieces of a comprehensive approach to federal education and training initiatives—and lifelong educational opportunities.

Mr. President, S. 250 makes significant changes in the Perkins program. It does so to further emphasize a stronger academic focus in career and technical education so students are ready for the workforce and for college. The bill requires better articulation between high school and college career and technical programs. It requires States to develop career pathways that incorporate challenging academic courses and requires that information about academic preparation for the workforce be provided for all students, not just career and technical education students.

The bill also links the accountability between the Perkins program to rigorous and challenging academic standards under the No Child Left Behind Act. The bill is consistent with the goals outlined by the American Diploma Project which suggests students need stronger academic preparation regardless of whether the next step is college or the workforce. Today's students need to be ready for the next step in life, whether it is the workforce or college. That is why the Senate bill emphasizes both academic and technical achievement that leads to postsecondary education or a high skill, high wage, or high demand occupation, perhaps all three incorporated in one.

The bill incorporates the assessments required under No Child Left Behind and maintains the same requirement for all high school students rather than applying an uneven standard for Perkins and non-Perkins students. The Perkins program is not a substitute for comprehensive high school reform because it doesn't reach all high school students. It is an important part of that effort, however.

The Senate bill provides much stronger accountability than even the No Child Left Behind Act. Not only does it require that students meet academic standards, but it also requires schools to report on students moving on to college, receiving postsecondary credit, earning an industry-recognized credential, certificate, or a degree. It even wants to know if they got a job.

The bill also emphasizes stronger ties between high schools and colleges so students can begin to prepare themselves for the next step in their education. It also strengthens connections between schools and employers so students who don't go to college will be ready for the workforce. The bill requires that information is provided to students so they know how their academic course work will prepare them for work and college in the future.

The bill also requires accountability systems to be based on either industry-recognized credentials or other standardized secondary and postsecondary performance indicators, such as completion of a postsecondary degree or certificate program. It requires participating schools to report on indicators that are nationally understood. In many instances we have followed the Department's request that indicators be made consistent between programs, which we have done.

The bill draws extensively from No Child Left Behind, the Workforce Investment Act, and the Adult and Basic Education Act, incorporating many common requirements into this bill. The Senate bill provides an opportunity for the Secretary to work with States to develop performance measures. The bill allows States to use percentages or numbers to determine performance standards. The performance indicators are negotiated at the State level with the Secretary, and the goal ought to be helping States improve their Perkins program by meeting performance indicators regardless of whether they are expressed in number or percentage forms.

We have covered a lot of ground in this bill, aspects that haven't been included before, aspects that will improve provisions, that which will help the students focus on getting jobs. We think this is a bill that America needs, and we want to get it to them quickly. We appreciate the efforts of the Senate to get it brought up quickly and to get it passed so we can get it into conference and get this great piece of legislation active this spring.

I would particularly like to thank staff of the Senate Committee on Health, Education, Labor and Pensions who have worked to successfully bring this bill forward. I want to thank Beth Buehlmann, Scott Fleming, and Courtney Brown from my own staff; Jane Oates, Carmel Martin, and Liz Maher from Senator KENNEDY's staff. I'd also like to thank the other staff members who worked diligently on this legislation.

I yield to my ranking member, Senator KENNEDY.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I join all of our colleagues on this side of the aisle who have the good opportunity to work on the Health, Education, Labor, and Pensions Committee in commending our friend and chairman, Senator ENZI, for his good work in bringing this legislation out of our committee yesterday and being able to arrange for us to have a chance to consider it on the floor this afternoon.

This legislation is enormously important to more than 70,000 students in my State and to millions of students all across the country. To a great extent, we are here because of the chairman's determination and persistence in ensuring that our committee meets its responsibilities on this legislation, as he has on others as well.

I will just mention that we also passed out of committee the Child Care Development Block Grant Program, with which my friend and colleague, Senator DODD, has had so much to do. It will make a large difference in terms of child care for families. Also, there are some important protections, in terms of the FDA, on the whole issue of contact lenses. And then there is a very important piece of legislation dealing with the improvement of patient safety, to reduce the incidents of events that adversely affect patient safety. We are waiting to work out some minor details. That is an enormously important piece of legislation. This has been a very full agenda so far this year.

We have been on the floor over the last 6 or 7 days talking about a piece of legislation that has divided this institution. Today, we are strongly together on a matter that will make a great deal of difference to young people and old people alike.

Our chairman pointed out the importance of acquiring skills, retaining skills, and lifelong learning in the United States today. Especially in this age of globalization, we want every one of our citizens to have the learning and the skills essential to the continuing strength of our modern economy.

Investing in our education system, continuing education, continuing training, and the acquiring of skills is essential in terms of our national security as well. It is not always thought of in those terms, but it clearly is. This legislation, which has been upgraded in the course of this Congress, is essential for equipping millions of Americans with the skills they need to compete in the global economy.

It is a lifeline to many of those young people. With the changes we have made in this bill, and with a number of changes that have been made at the State level, we have the assurance that these young people are going to get a first-class education.

I ask my colleagues to look at this chart behind me. In my State of Massachusetts, we have some 78,000 students who are involved in vocational education. Years ago, vocational education simply meant an extra class in shop in many schools. That is not the case now. The kinds of skills these young people are getting are enormously sophisticated, complex, and incredibly important, as our whole economy has become that way. There are more than 74,000 students in career and technical education programs who passed what we call the MCAS test, our State assessment exam. We have over 74,000 career and technical education students who passed the test out of 78,376. That is 95 percent. That percentage is extraordinary.

The MCAS test is a difficult test. The extraordinary thing about Massachusetts—if I can take 10 more seconds on this—is that the State publishes the MCAS test, and makes public the items on the test each year. So every parent and school teacher, and people around the country, know the quality of the test itself and know the demands that this puts on young people. What these results demonstrate is that these young people are acquiring skills and also developing very, very important academic skills in their career and technical programs.

Now, look at this chart, which says, ''What does the Perkins program mean in Massachusetts?'' We have students in Brockton who received onsite clinical training in health care facilities. In New Bedford, a city that has suffered tremendously with the outsourcing of manufacturing jobs, the regional school has begun an engineering program. The program partners with 2- and 4-year colleges, Texas Instruments, and Bose. Students will be able to earn $22,000 directly after high school and far more when they go on to earn their college degree. All Massachusetts community colleges have instructional support staff and a major source of funding for adaptive equipment for students with disabilities who are enrolled in technical education programs.

Now, this chart shows the positive placement rates of five vocational schools in Massachusetts—all are over 90 percent. We have shown the academic rates and accomplishments of career and technical education students. The bottom line is, when we are looking for accountability and results, we should look at the placement rates for these young students. It is 98 percent at Assabet Valley Regional Vocational School in Marlborough. At Worcester Vocational High, it is 96 percent. At Northeast Metropolitan Vocational in Wakefield, it is 95 percent. At New Bedford Regional Technical, 90 to 95 percent of the graduates go on to the workforce or postsecondary education. This is true also at Upper Cape Cod Tech, at 90 percent.

I want to mention a couple of stories. I will mention one other very significant, impressive result of a technical school. At Shawsheen Technical High School, we have 600 eighth-grade students vying for 320 seats in the program. A third of the students are in special education. Yet, the school has a 100 percent pass rate on the Statewide student assessment exam. That is an extraordinary outcome.

These are outcomes we can see, and they make a difference for young students who need special education. At Shawsheen Tech, special education students have an outstanding rate of passing the Statewide student assessment exams. Learning academic skills in an applied context is responsible for this success. Ninety-seven percent of the graduates go on to immediate employment in their field or continue their education.

Let me mention a couple of other interesting facts about this extraordinary school. Shawsheen has developed an intensive Licensed Practical Nurses program for adults. Students serve in clinical rotations on alternate weekends at one of the great medical centers, the Leahy Clinic, which my family has benefitted from for three generations—it is a first-rate clinic in Massachusetts. These students are able to gain jobs in this very prestigious and important clinic. Fifty percent of the students enrolled in this program are minority students. Sixty percent are Pell recipients. The first 3 classes of 40 students each had a 90 percent retention rate and a 98 percent pass rate for the program completers, and their average starting salary is more than $23 an hour.

These are extraordinary outcomes. Let me mention one other example. Kerry is a student at Middlesex Community College in the dental hygiene program. She is the mother of two preschool-age children and struggled at several different colleges because of a learning disability. At Middlesex she receives support and accommodation from disability support services and works closely with a disability support specialist. That specialist's salary is paid for with Perkins funding. There we have a tie of special needs students into these well-organized, structured programs, and the outcome has been a very important success. Kerry's success in school is due to the fact that she receives Perkins funding.

The story really is in the outcome. I see my friend from Rhode Island. He knows and values the importance of vocational training because of the excellent programs in the State of Rhode Island. In our region of the country, training programs have made an enormous contribution to the industrial and commercial success of so many of our industries. This program has played a very important role. It has been upgraded and improved from an academic point of view, from a training point of view, from the expectations of results, of working with businesses to give new emphasis to the kinds of specialities which are in short supply, and we have benefitted from broad participation.

Chairman ENZI pointed out the very good work of the various communities that have given valuable help and assistance to us and the incredible staff of all the Members on both sides of the aisle. We have approached this legislation with an attitude of how we can make it better, how we can improve on it, and the lessons we have learned in the past that are going to strengthen this program.

This is an important program that makes a real difference in the lives of people. I know the President has some reservations about this program and does not support Perkins in his budget. We take important steps in this bill to strengthen the program and address a number of the concerns the President has.

With that in mind, we are very hopeful we will continue to have the support of our colleagues in the Senate.

I again thank Senator ENZI for his hard work. As we are finding out, he and his staff have welcomed ideas and suggestions. He does not always say yes, but he does not always say no. It has been a real pleasure to work with him. We on our side are in very strong support of this legislation. We believe it is a stronger bill than exists at the current time. We believe it will help in critical areas for young people and old people—continuing education and the adult education programs.

This legislation is about acquiring skills—skills, skills, skills, skills—which we all understand is absolutely essential if this country is going to continue to be the leader of the free world economically and from a national security point of view.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts for his outstanding comments, and I appreciate the charts he had giving real-life examples of some things happening in his State. I can tell you that those are happening throughout the Nation.

The issue our committee is concerned about is the high dropout rate in high schools in the United States. Mr. President, 68 percent of the kids who start as freshmen will not graduate. They will drop out of the program at some time. For minorities, it is considerably higher. We are trying to figure out some way to keep them more interested in school, keep them on a learning program, which they will have to be for the rest of their lives if they are going to have high-quality jobs. We believe this bill is the first leg of a three-legged stool that will provide that. We will have other bills we will be bringing along at a later time.

I thank our fellow Senators for their indulgence in allowing us to bring this bill up. I look forward to getting it through the Senate.

Mr. BINGAMAN. Mr. President, I rise today to speak in support of a critical piece of legislation, the reauthorization of the Carl D. Perkins Vocational and Technical Education Act. More than ever, we need rigorous, relevant career and technical education programs to help students prepare for postsecondary education and to address the shortage of highly skilled workers necessary to meet the demands of the contemporary workforce. A skilled and flexible workforce is essential to building a strong and dynamic economy and to maintaining our country's ability to compete in a global economy.

According to a recent U.S. Chamber of Commerce survey, 75 percent of employers report severe difficulties when trying to hire qualified workers, with 40 percent of job applicants having poor skills. Further, a survey by the National Association of Manufacturers found that 80 percent of manufacturers experience a shortage of qualified workers. Most troubling, as many as 3.3 million jobs may be sent overseas in the next 15 years, resulting in American workers losing $136 billion in wages.

With this reality, it is vitally important to support S. 250, the Carl D. Perkins Career and Technical Education, CTE, Improvement Act of 2005. This legislation promotes a rigorous curriculum, innovative learning environments, and relevant coursework and

training, thus ensuring students receive the education and training necessary to develop a highly skilled workforce. Strong career and technical education programs are essential in addressing this shortage of highly skilled workers and in preserving American jobs.

Career and technical education must be academically rigorous and enhance students' critical thinking and applied skills. Accordingly, this bill makes a number of significant improvements to ensure that CTE students participate in a rigorous and challenging curriculum, and realize positive educational and employment outcomes.

For example, the bill integrates challenging academic and technical standards, aligned with No Child Left Behind and nationally-recognized industry standards, into CTE instruction. The bill also strengthens educational and career pathways for students beyond high school and makes significant strides in building alliances among high schools, 2- and 4-year colleges, business and industry, and community organizations. Further, the bill expands career guidance and academic counseling services to ensure that students have a career plan and career objectives.

Well-prepared CTE teachers and good professional development are essential components of an effective, rigorous CTE curriculum. CTE teachers must possess the knowledge and skills to teach effectively. Hence, this bill dedicates resources to promoting the leadership, initial preparation, and professional development of career and technical education teachers to foster effective practices.

Mr. President, this bill is designed to improve student educational and employment outcomes, including their technical and workplace knowledge and skills. But, we must be able to measure how well CTE programs are meeting the needs of its students. Accordingly, the legislation will require states to identify core indicators of performance that include measures of student achievement on technical assessments and attainment of career and technical skill proficiencies.

Thus, it is essential to develop valid and reliable assessments of technical and career competencies that are aligned with national industry standards and integrate industry certification assessments, if available and appropriate. To address this need for high-quality technical assessments, this bill permits State leadership funds to be used to develop valid and reliable assessments of technical skills that are integrated with industry certification assessments where available.

Yet, increasing academic and technical rigor alone is not enough to prepare students to enter into and compete in the 21st century workforce. The learning environment students experience also heavily impacts academic performance and student outcomes. When smaller learning communities are in place, students benefit greatly: they experience a greater sense of belonging to their schools and they have fewer discipline, crime, violence, and substance abuse problems.

I would like to highlight two high schools in my home State of New Mexico which demonstrate some of the best practices of rigorous and innovative career and technical education. Rio Rancho High School, in partnership with Intel Corporation, has served as a model example of how academic rigor, hands-on-learning, strong professional development, defined career pathways, and robust alliances are elements of a successful, quality CTE program. Rio Rancho has created academies of study for all students, which allow students to: pursue career pathways to postsecondary education and beyond; take core courses geared toward interests, skills, and competitive careers; form partnerships with instructors; and become part of a smaller learning community within the larger high school. The academies allow students to explore personal strengths and interests in relationship to career planning and job markets. Accordingly, Rio Rancho has been designated as a Microsoft Center of Innovation and Time Magazine has called Rio Rancho one of the ten most innovative career and technical schools in the nation.

Another great example of innovative career and technical education can be found at Albuquerque High School. In just a couple of years, the career academies at Albuquerque High School have demonstrated very positive student outcomes. The first students in Albuquerque's Academy of Advanced Technology have lower dropout rates and improved academic achievement.

Accordingly, this legislation recognizes that smaller learning communities are a critical educational investment and thus allows local funds to be used to support and develop personalized career themed learning communities. As Rio Rancho and Albuquerque High Schools demonstrate, rigorous career and technical education and smaller learning environments enhance students' achievement and motivation to learn.

Mr. President, this country is facing a crisis. Only 68 percent of our Nation's students are graduating high school with a regular diploma in four years. We must devote more attention and resources to increase graduation rates and promote dropout prevention. Providing quality career and technical education is one crucial way to increase graduation rates. CTE programs provide students with relevance, and are themselves a form of dropout prevention. In fact, quality CTE programs result in positive educational and employment outcomes for students. Effective career and technical education results in increased school attendance, reduced high school dropout rates, increased entry into post-secondary education and greater access to high-tech careers.

Accordingly, we must improve our ability to measure the effectiveness of career and technical education programs. High-quality data systems are essential to collect and analyze information regarding educational and employment outcomes and to inform the development of effective career and technical education programs. The data reported, however, must be complete, accurate, and reliable. Yet present data and data systems are too often incapable of meeting the requirements of career and technical education programs, of states, and of this Act. Accordingly, the bill includes several new provisions for data collection, utilization, and analysis, including provisions which allow the State allocation to be used to support and develop State data systems, and State leadership funds to be used to develop and enhance data systems to collect and analyze data on postsecondary and employment outcomes.

Effective career and technical education programs are necessary to build a strong and dynamic economy and to maintain a competitive American workforce. This legislation evinces some of the best principles of strong, effective career and technical education. Mr. President, I fully support Senate passage of S. 250.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, I am pleased to rise in support of the Carl D. Perkins Vocation and Technical Education Improvement Act. I am proud to be a cosponsor of this legislation and am extremely pleased that this bill was written in a bipartisan fashion. I thank Senator ENZI, Senator KENNEDY, and their staff members, Scott Fleming, Ilyse Schulman, and Jane Oates, for working so hard on this legislation. I sincerely hope that we continue in this spirit of bipartisanship in the HELP Committee.

The bill before us today recognizes the important role of career and technical education for preparing today's workforce and rejects the Bush administration's proposal to eliminate the Perkins program, a proposal that would cost New York approximately $65 million a year. The bill before us today is evidence of a strong bipartisan commitment to maintaining and strengthening the program.

It is an often overlooked fact that the Perkins program is the largest Federal investments in our Nation's high schools. Over 66 percent of all public high schools have at least one vocational and technical education program and 96 percent of high school students in this country will take at least one vocational or technical course while they are in high school.

The Perkins program also plays a key role in postsecondary education. According to the National Center for Education Statistics, nearly 38 percent of all degree-seeking undergraduates are pursuing vocational careers. These

programs play a key role in educating our workforce, and census data consistently shows that people with higher educational attainment have higher median incomes. Nearly 75 percent of employers say they have a very hard time when trying to hire qualified workers, according to a 2002 survey by the U.S. Chamber of Commerce.

In New York, the demand for business career and technical education programs in New York increased by 44 percent between the 2002 to 2003 school year and the 2003 to 2004 school year. In New York City, there was a 211 percent increase in enrollment in the approved business program and a 55 percent increase in the technology and communications programs. And the vast majority of these students are succeeding academically. Eighty-five percent of New York students that completed a career and technical education program passed all of the required regent's exams.

The Perkins program is extremely important—not just for the numbers of students it serves but for the communities that benefit from a better prepared workforce as a result of these programs. This is why for the last 3 years I have spearheaded a letter to the Senate Appropriations Committee requesting additional funding for Perkins. I also offered an amendment to the budget resolution in 2003 to protect the Perkins programs from cuts because I was deeply concerned that President Bush's proposal to slash the Perkins program by 25 percent would be reflected in the Senate's budget.

The Carl D. Perkins Vocation and Technical Education Improvement Act will go a long way towards strengthening vocational and technical education in New York and across the country. Among other things, it will provide for comprehensive professional development for career and technical education teachers, increase States' flexibility to meet their unique needs, and align secondary and postsecondary indicators with those established in other programs to ultimately reduce paperwork.

I am particularly pleased that this bill also improves programs and services for women and girls pursuing nontraditional occupations. Last fall, at a HELP Committee hearing on vocational education, an inspiring woman from New York, Angela Olszewski, testified about how important it is that we support and encourage women and girls in their pursuit of non-traditional, traditionally ''male'' careers—in technology, math, science, and the construction and building trades. Unfortunately, women are still significantly underrepresented in these fields. For example, we know that while the number of women carpenters has tripled since 1972, they still only represent 1.7 percent of all carpenters. You can say the same about many other high-skill, high-wage trades.

Many of these skilled trades industries are experiencing a significant labor shortage and experts expect these shortages to get worse over the next two decades as many workers retire. If women were to enter these professions, most of which are unionized and pay a livable paycheck and benefits, women would increase their earnings and standard of living for their families. For example, a journey-level electrician will make over $1,000,000 more than a typical cashier in a 30-year career.

This bill requires States to measure students' participation and completion in career and technical programs in nontraditional fields and to disaggregate their data on performance by gender and race. In addition, programs will be required to prepare special populations for high skill, high wage occupations that will lead to self-sufficiency. These important provisions will go a long way toward helping more women follow in Angela's footsteps.

Finally, I am pleased that the bill maintains Tech Prep as a separate program, rejecting the Bush administration proposal to eliminate it. Innovative Tech Prep programs in New York have made a real difference in the lives of students. For example, the Syracuse City Health Center Tech Prep program reduced the achievement gap between ethnic groups, white vs. non-white—to 2.8 percent. And at least 65 percent of students in the Syracuse City Health Careers Tech Prep program enroll in health-related professions, where New York has a critical shortage, after high school. In New York State, the average age of nurses is 47 and 80 percent of current nurses will reach retirement age within 10 years.

For all of these reasons, I am thrilled that we are passing this legislation today.●

Ms. MIKULSKI. Mr. President, I rise in support of the Carl D. Perkins Vocational and Technical Education Improvement Act of 2005. To compete in this global economy, we need to make sure our students have 21st century skills for 21st century jobs. Vocational and technical education is an extremely important part of this effort. The Perkins Act, which provides $1.3 billion to help train more than 10 million Americans across the country, is a vital investment in our nation's high schools, community colleges, and our students.

The Carl D. Perkins Career and Technical program gives a boost to America's workforce development system by providing funds to schools that teach technical skills ranging from auto shop to computer programming. The Perkins Act also supports practical career programs and links between secondary and post-secondary education, helping students to move up the opportunity ladder and prepare them for high-skill, high-wage jobs. Students who have completed Perkins-supported programs are better prepared not only for higher education but for the workplace.

The President has proposed eliminating funding for all vocational and technical education programs. This is the wrong way to go. If Perkins was eliminated, high schools, technical schools, and community colleges in every state would suffer. In Maryland, our schools would lose almost $19 million. Last year, we had more than 150,000 students enrolled in career and technical programs in Maryland. In the United States, 97 percent of high school students take at least one career and technical education course. One-third of college students are involved in career and technical programs. And almost 40 million adults attend short-term occupational training. If these schools had to close their doors or shut down their vocational programs, where would these students go to learn the skills they need to get good paying jobs?

Vocational and technical education provides students across the country with opportunities to develop academic and technical skills that are critical for economic and workforce development. It is our job in the United States Senate to make sure these opportunities are there for the people who need them and to invest in our human capital to create a world class workforce. That is why I strongly support this bipartisan bill and I oppose any cuts to the Perkins Vocational and Technical Education programs.

Mr. DURBIN. Mr. President, I rise in support of the Carl D. Perkins Vocational and Technical Education program.

By the year 2010, 80 percent of all jobs in the Nation will require secondary and postsecondary education and training as a prerequisite for a job that supports a middle-class lifestyle. The Perkins Vocational and Technical Education program provides business and industry with the skilled workers they need to compete in the 21st century economy and provides a future of hope for those workers.

Unfortunately, President Bush has proposed eliminating Federal funding for these programs in his fiscal year 2006 budget. This would have a tremendous negative impact across the nation and especially in Illinois, which is receiving $49.6 million dollars in fiscal year 2005 for these programs. In fact, in Illinois, 3 out of 5 high school students are enrolled in Vocational and Technical Education annually, representing more than 348,000 students.

The Senate's strong support for this legislation today demonstrates that the Bush administration is out of touch with regular people and the state of our economy. We need to create more good jobs in America; that's what vocation education programs do.

For example, we need more teachers. Stacy J. attended Capital Area Career center and went on to graduate from Lincoln Land Community College and from there to the University of Illinois Springfield. She earned a Bachelor's in Psychology and an elementary teaching certificate and now works for the Springfield School District. Her path

was largely funded by the Carl D. Perkins Vocational and Technical Education program.

We need car specialists. Nick O. graduated from the welding program at Capital Area Career Center and now works for Ray Evernham Motorsports in research and development and as a tire specialist. Again, Nick took advantage of the Perkins program.

We need electricians, x-ray technicians, dental assistants, and plumbers. Justin K. is an apprentice plumber in Springfield after completed the Perkins program at the Capital Career Center.

We need nurses, carpenters, and firefighters. Andy, Josh and Dustin studied Fire Science at the Kishwaukee Education Consortium.

Because we need these people, we need the Carl D. Perkins Vocational and Technical Education program.

Of course, we also need our students to graduate. Another Perkins program student, Jessica G., began her career as a co-op student from Limestone Community College. She works for the RSM McGladrey Network and is now one course away from earning her masters of business administration. One of the most spectacular attributes of the Perkins program is the increase in the probability of graduation. Participation in a career and technical program raises the probability of graduation by 15 percentage points for those who registered for at least one course and nearly 28 percentage points for those who completed a career and technical program.

The school-based programs supported through the Perkins program provide a foundation for our Nation's workforce development system, by teaching technical skills based on industry standards and workplace skills and employability skills common to all occupations. This program is the single largest Federal investment in the nation's high schools.

We want our students to succeed in their education. This means we need the Carl D. Perkins Vocational and Technical Education program. Research proves students engaged in Perkins-supported programs are better prepared to transition into post-secondary education and the workplace. Students who complete a rigorous academic core coupled with a career concentration have test scores that equal or exceed college prep students. These dual concentrators are more likely to pursue postsecondary education, have a higher grade point average in college and are less likely to drop out in the first year. Fifty-two per cent of all career and technical education students enroll in college.

I strongly support this legislation and commend Chairman ENZI and Senator KENNEDY for their leadership in ensuring that the Carl D. Perkins Vocational and Technical Education program continues.

Mr. BURNS. Mr. President, I rise to speak on behalf of the Carl D. Perkins Career and Technical Education Improvement Act. This bill reauthorizes the Carl D. Perkins Vocational and Technical Education Act of 1998 and supports a key goal for this country's future: to ensure America's students have the knowledge and skills to be competitive in today's global economy. Specifically, this legislation supports the creation of stronger partnerships between high schools, colleges, and businesses to allow for career and technical education programs to better meet the needs of the workforce, including small businesses. Also, S. 250 provides for the creation of outlines for logical sequences of courses, including high school and college courses, that will lead to an industry recognized credential, certificate, or postsecondary degree. Furthermore, this measure promotes activities to improve the recruitment and retention of career and technical education teachers, including those underrepresented in the profession.

As a former member of the organization previously known as Future Farmers of America FFA, I am proud of Montana's highly successful vocational education programs. Montana has over 500 approved career and technical education programs and more than 800 certified teachers in agriculture, business, marketing, family and consumer sciences, industrial technology, and health occupations. Over 160 Montana high schools participate in the Federal Carl D. Perkins and State career and technical education grant programs in order to support and improve their career and technical education programs. These valuable programs prepare Montana K–12 students for a variety of careers and post secondary education programs.

I will continue my strong support of vocational education programs and look forward to working with the leadership as the Senate examines education programs during the 109th Congress.

Mrs. FEINSTEIN. Mr. President, I rise today to support the reauthorization of the Perkins Career and Technical Education Improvement Act of 2005.

This bill is critically important to ensure that students are entering the workforce with the academic, vocational, and technical skills they will need to be successful in today's job market.

According to 2003 U.S. Census data, only 27 percent of Americans have a college degree. Therefore, vocational education programs are necessary to provide occupational training to the majority of high school students who do not go on to earn a bachelor's degree.

Without adequate vocational and technical training programs, these individuals have few career options. Unfortunately, high schools currently offer fewer vocational education classes than in the past, due to funding shortages.

There are many ways in which Perkins funds are used, and I would like to share a few examples of how these dollars are utilized in my State of California which typically receives approximately 11 percent of Federal funding for vocational education through Perkins.

The Fresno Unified School District uses about $1 million in Perkins money to fund vocational education classes in areas such as introductory business, computers, and multimedia for students in grades 7–10.

Perkins funding also helps to pay for 10 resource center facilitators who assist students in researching colleges and registering for entrance exams.

The Los Angeles Unified School District receives Perkins funds to build career and technical education, CTE, programs. With these funds, the district has created 15 ''industry clusters,'' each of which contains a specific career pathway. These industry clusters range from agriculture to the arts to engineering to medical technology.

I understand the importance of Federal support for vocational and technical education, and I will continue to do all I can to ensure that all students have access to the educational opportunities that will allow them to become productive and successful adults.

Mr. GREGG. Mr. President, I am pleased to support S. 250, the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The product of a true bipartisan effort, this bill reauthorizes and strengthens the federal investment in career and technical education programs, which touch students of all ages in communities across the Nation.

I commend Senator Enzi for his extraordinary leadership on this issue. His dedication to creating opportunities for lifelong learning and ensuring that students of all ages have the skills they need to succeed in higher education and in the workforce is reflected throughout this bill.

Nearly every student in America enrolls in at least one career and technical education class during high school, and millions of adults update their skills at the postsecondary level each year. Career and technical education provides increasingly rigorous, relevant learning that prepares students for success in postsecondary education and in a wide array of occupations. Given that a majority of jobs created over the next decade will require skills that only a relative few workers currently possess, it is important that we provide opportunities for students and workers to gain the skills they need to secure and succeed in these jobs.

In many communities, including those in my own State of New Hampshire, innovative career and technical education programs are helping to fill pressing workforce needs, including in fast growing fields like technology and health care. High school students in health science programs may earn CPR

and, first aid certifications and gain valuable clinical experience in hospitals and nursing homes, as well as enroll in certified nursing assistant programs. Through Project Running Start, high school students can earn community college credit in a variety of disciplines. New Hampshire Community Technical College in Nashua offers programs ranging from an FAA-approved aviation technology program to a telecommunications program in partnership with Verizon. Such opportunities at both the secondary and postsecondary level are constantly expanding, offering students more options than ever before.

Career and technical education programs are also helping alleviate shortages of skilled workers in certain industries, such as the automotive industry. The Automotive Youth Educational Systems program, which operates in New Hampshire and 44 other States, is widely regarded as a successful education and business partnership, and has been praised by both the Department of Labor and the Department of Education. The AYES program affords high school juniors and seniors the opportunity to gain valuable experience as interns working alongside skilled auto technicians who serve as mentors. Upon graduation, this work experience then translates into high-skill, high-wage, high-demand jobs for students.

The Carl D. Perkins Career and Technical Education Improvement Act of 2005 would strengthen career and technical education programs in a number of ways. Among the improvements are stronger accountability provisions, increased flexibility for States, and greater emphasis on the integration of academic and technical course content, on connecting programs with business and industry to ensure that students gain relevant skills, and on building pathways from secondary to postsecondary programs and the workforce. All of these efforts will help ensure that students acquire the tools and knowledge necessary to acquire and excel in high-skill, high wage occupations.

S. 250, which I am pleased to cosponsor, stands as an example of what is possible when we work in a bipartisan way in good faith. I would like to thank Senator KENNEDY and my colleagues on the other side of the aisle for their commitment to career and technical education and for helping move the reauthorization process forward.

This bill was also crafted with significant input and support from the career and technical education community, which helped us refine and improve the legislation. The result is a work product of which we can all be proud. I look forward to the bill's final passage.

Mr. REED. Mr. President, I am pleased to be a cosponsor of the Carl D. Perkins Career and Technical Education Improvement Act. By passing this legislation today, the Senate recognizes the critical need to maintain the Perkins program—the Federal Government's single biggest investment in our nation's high schools.

The Carl D. Perkins Career and Technical Education Act provides a vital link between students and the high-skilled workforce American business depends on to thrive. It funds rigorous and challenging career and technical education programs that give more than 10 million Americans the opportunity to attain the specific skills needed to successfully embark on careers and undertake further education.

The President's decision to eliminate this program in his fiscal year 2006 budget proposal is exceedingly short-sighted. It would aggravate the skills gap that employers already face and cost our country in future competitiveness, productivity, and innovation. The President seeks to eliminate a $1.3 billion investment, $6.4 million of which would be a loss to my state, Rhode Island.

Instead, the Senate's action today will help ensure this program's continued success.

I am especially pleased that this legislation contains provisions I authored to address the needs expressed to me by educators in Rhode Island. As I have in other education reauthorization bills, I worked to strengthen professional development programs for career and technical educators, principals, administrators, and counselors. I also ensured the legislation gives states more flexibility in their use of funding and in implementing innovative statewide initiatives. In addition, I added language to ensure schools can offer students the benefit of real-world internships and other work-based learning experiences to enhance their skills.

These and other provisions in the bill will strengthen the Perkins Act. I sincerely hope that we will maintain the same cooperative and bipartisan spirit as we work toward final passage of this bill.

Mr. KENNEDY. Mr. President, I commend my friend, Chairman ENZI, for his bipartisan leadership on this legislation and his effective work in bringing it before the full Senate today.

One of our highest priorities in Congress is to expand educational opportunities for every American. Especially in this age of globalization, we want every one of our citizens to have the learning and the skills essential to the continuing strength of our modern economy. We want them to fulfill their hopes and dreams, to raise healthy families, and contribute to their communities. We will be a fairer and stronger America when every citizen takes part and contributes.

We know that in today's global economy, every person counts more than ever. We cannot afford to leave out anyone. We must equip our citizens to compete in the global economy—not by lowering their pay and sending their jobs overseas, but by increasing their skills.

The legislation before us today will strengthen our commitment to a vital aspect of that mission, by equipping millions of young Americans with the skills they need through career and technical education.

There was a time in many schools when vocational education meant simply an extra class in shop. But today in Massachusetts, and many other states, we see the vital role that vocational education—now appropriately called career and technical education—can have in transforming the lives of students and workers, and in strengthening our economy.

Career and technical students are high school students who want to link their learning to a career. They are students who want a real world application of their high school education. They are students who earn college credits or earn industry-recognized credentials and pass state licensing exams while still in high school. Career and technical education today is designed to prepare and train students for 21st century jobs.

Career and technical education students go on to higher education—almost two-thirds of all high school graduates of career and technical programs enter college or another form of postsecondary education.

In addition, through its educational programs at the postsecondary level, the Perkins Act also serves adults who are seeking critical training to be competitive in the job market. Whether we are talking about new immigrants, struggling adults, or women who are seeking employment outside the home for the first time, these are adults who need specially designed programs.

In Massachusetts, career and technical education serves more than 70,000 students. Through Perkins funding, high school programs in partnership with community colleges and local businesses, provide students with the academic and technical skills they need to continue their education or to compete for high-skill, high-wage jobs immediately. The outcomes of these programs are extraordinary. Last year, 95 percent of career and technical education students in Massachusetts passed our state assessment—the MCAS exams.

The Perkins program has worked to reduce the gender imbalance in earnings by emphasizing the importance of eliminating discrimination and actively recruiting students for non-traditional employment. The segregation of certain demographic groups into low-wage industries can and should be corrected as soon as possible through education. The program sets aside specific dollars for the collection and dissemination of occupational and employment information. Providing the most complete and up-to-date information is essential if counselors are to help their students make good decisions about course selection and career choice.

To be competitive in today's economy, we need a renaissance in math, in

science, and in technical skills. Technology and innovation are essential for America's economic strength and competitiveness in the future. The Tech Prep program in this bill addresses these needs by creating programs that integrate technology skills based on employer needs. At Springfield Technical Community College in Massachusetts, students can enroll in the Diagnostic Medical Imaging Program. They take rigorous math and science courses that prepare them to use today's newest technology.

It has always been a priority for our committee to see that all students have the opportunity for high quality educational opportunities. Ensuring strong career and technical programs is an essential part of reaching that goal. In the legislation before us today, we were able to address critical issues for the continued growth of this program—the integration of academic and technical education, the use of funds for secondary and post-secondary programs, and the importance of the Tech Prep programs that form the bridge between the high school and college programs.

Our bill also builds on existing provisions designed to ensure that students, parents and teachers have the information they need to select the courses that will give them the best options for obtaining a good job or continuing with their education after high school.

This bill also addresses the unique professional development needs of Career and Technical Education teachers. Every day, we see rapid pace of change in industry. Cell phones and computers can become obsolete in a year. Teachers need to see the changing aspects of the industries that they teach about in the classroom, so that their students of all ages can receive the best possible training. Local schools and districts must provide opportunities for these teachers to spend time with the industries they are teaching about. They are preparing the next workforce generation, and their knowledge base must be state of the art.

In Massachusetts, Perkins grants fund a wide variety of important programs. Students in Brockton have received onsite clinical training in health care facilities.

In New Bedford, a city that has suffered tremendously with the outsourcing of manufacturing jobs, the regional technical school has begun an engineering program in partnership with 2 and 4-year colleges, Texas Instruments and Bose.

Graduates will be able to earn $22,000 a year directly after high school, and far more when they go on to earn their college degree.

At Shawsheen Technical High School, six hundred 8th grade students are vying for 320 seats in the program. A third of the students are special education, yet the school has a 100 percent pass rate on the statewide student assessment exams. Learning academic skills in an applied context is responsible for this success. Ninety-seven percent of the graduates go on to immediate employment in their field or continue their education.

Responding to the critical shortage in the nursing profession, Shawsheen has developed an intensive Licensed Practical Nurses program for adults. Classes are held for 10 months, four nights a week from 5:30 to 10 p.m. Students serve in clinical rotations on alternate weekends at the Lahey Clinic. The program has become an entry to a good career for many low-income adults; 50 percent of those enrolled are minority students and 60 percent are Pell recipients. The first three classes of 40 students each have had a 90 percent retention rate, a 98 percent pass rate for program completers and a 100 percent placement rate in the Merrimack Valley and the graduates are in jobs with an average starting salary of $23 an hour.

In addition, because of Perkins grants, all Massachusetts community colleges have instructional support staff and major funding for adaptive equipment for students with disabilities enrolled in technical education.

None of this would be possible without Perkins dollars.

Again, I commend Chairman ENZI and his staff for all their good work. Special thanks go to Scott Fleming and Beth Buehlmann with Senator ENZI, Kelly Scott with Senator GREGG, Meredith Davis with Senator FRIST, Kristin Bannerman with Senator ALEXANDER, Jenny Hanson with Senator BURR, Bradford Swann and Glee Smith with Senator ISAKSON, Lindsay Morris with Senator DEWINE, Lindsay Lovlien with Senator ENSIGN, Juliann Andreen with Senator HATCH, Prim Formby with Senator SESSIONS, Jennifer Swenson with Senator ROBERTS, Dana Lewis with Senator REID, Mary Ellen McGuire with Senator DODD, Laura Prebeck with Senator HARKIN, Dvora Lovinger with Senator MIKULSKI, Sherry Kaiman with Senator JEFFORDS, Michael Yudin with Senator BINGAMAN, Jamie Fasteau with Senator MURRAY, Catherine Brown with Senator CLINTON, Kristen Romero and Amy Gaynor from Legislative Counsel, and Carmel Martin and Liz Maher of my staff.

And I want particularly to express my appreciation to Jane Oates who had principle responsibility for this bill for my staff. I am grateful for her important contributions and insights on this legislation.

I thank our Chairman, Senator ENZI, for moving this bill so quickly through our Committee and am pleased we are able to move it to final passage today. I urge my colleagues to support it.

Mr. DODD. Mr. President, I am here today in support of a bipartisan bill that would reauthorize the Perkins Vocational and Technical Education Act. Few issues are as critically important to the future of the country as the competitiveness of our workforce. This bill will help to ensure America's economic dominance for years to come.

Essential to strengthening the workforce, the Carl D. Perkins Career and Technical Education Improvement Act not only prepares youth and adults for the careers of today, it prepares them for the careers of tomorrow. For that reason, it is the first line of defense in ensuring America's competitive advantage in a global economy.

We have heard a lot lately about American students losing their competitive edge. In math and science our fourth graders are among the best in the world but by their senior year of high school, they score near the bottom of all industrialized nations. Our college dropout rate is one of the highest in the world. The United States has dropped from first to fifth in the percentage of young adults with a college degree. Singapore has displaced the United States as the top economy in information technology competitiveness. And, the number of patents awarded to Americans is declining. Clearly, all of this is having an effect on our global competitiveness.

The problem is further compounded by the fact that our universities are facing intense competition in higher education and are slipping in their ability to attract the world's best students. Yesterday, the Council of Graduate Schools released a study showing that foreign applications to graduate schools are down 6 percent. These are individuals that contribute to the cutting-edge research American universities and corporations have long been known for.

Do we need to increase our efforts to attract these students back? Yes. Do we also need to do everything we can to increase our competitiveness from within? Yes. The bill before us will help us to do that.

The bill before us does a number of important things. First and foremost, it emphasizes accountability and improved results. Second, it improves monitoring and enforcement. Third, it disaggregates performance goals and report information by special populations so no one falls through the cracks. And fourth, it strengthens the ties between industry, high schools, and higher education by ensuring that teachers are well trained, that students are academically ready for college, and that high schools are training students for the actual needs of their communities.

The premise of the bill is that high schools, industry and higher education need to work together to provide our workforce with the skills that they need in order to achieve and compete in the 21st century. This bill works to ensure that American students are not just getting a world-class education, but the best education in the world.

I would be remiss in my remarks if I did not mention the President's proposed elimination of the Perkin's program in his fiscal year 2006 budget. And, I would be remiss if I did not commend the leadership of Senator ENZI, our committee chair, in bringing this

bill forward despite the President's plan. Senator ENZI's unwavering commitment in this area is unparalleled. I hope that the administration understands that our decision to make this the first major piece of education legislation that we take up this Congress is reflective of our unwavering commitment to career and technical education. We will not let this program fall by the wayside. Perkins will not be eliminated.

We often hear the pledge that we will leave no child behind. May I suggest that we also make every effort to ensure that we leave no career and technical education student behind? Passage of these important provisions today will go a long way toward ensuring that career and vocational education students are not left behind in the classroom, that they are being held to high academic standards, that their teachers are provided with the training they need to keep up to date with the latest industry needs, and that high schools, industry and higher education work seamlessly together to provide our workforce with the skills that they need to maintain America's economic dominance in the 21st century.

Career and vocational programs are an essential part of keeping students in school and helping our Nation train its workforce. I am confident that this bill will go a long way in helping another generation of Americans succeed, and, in doing so, strengthen our economy.

Mr. KENNEDY. Mr. President, I will be glad to yield back my time.

Mr. ENZI. I yield back my time.

Mr. KENNEDY. I 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.

The PRESIDING OFFICER. Under the previous order, the committee substitute is adopted and the bill will be read a third time.

The committee amendment, in the nature of a substitute, was agreed to.

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

Mr. ENZI. 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. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that the next series of votes begin at 4:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. For the information of my colleagues, the next vote, which will begin at 4:30 p.m., will be on passage of the Perkins vocational education bill which was just debated, to be followed by a series of rollcall votes on the remaining amendments to the bankruptcy bill, to be followed by final passage. That means there could be up to seven rollcall votes in this next series of consecutive rollcall votes. Once again, we urge Members to stay close to the Chamber during these votes to avoid missing any.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005—Continued

Mr. HATCH. Mr. President, I rise today to speak in favor of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and to thank all of the people who made this bill possible. This bankruptcy bill has been a long time coming. We all know how bankruptcy claims have skyrocketed since the last major bankruptcy reform bill in 1978. We all know about the abuses of the system.

Well, that is about to change for the better. This bill is about fairness and accountability. We have made some important changes in this legislation. This bill contains a debtor's bill of rights with new protections that prevent bad actors from preying upon the uninformed.

The bill also includes new consumer protections under the Truth in Lending Act, such as new required disclosures regarding minimum monthly payments and introductory rates for credit cards. It protects consumers from unscrupulous creditors, with new penalties on creditors who refuse to negotiate reasonable payment schedules outside of bankruptcy.

S. 256 provides for protection of educational savings accounts, and it gives equal protection for retirement savings in bankruptcy. It helps women and children by providing a comprehensive set of protections for child and domestic support throughout the bankruptcy process.

This legislation dramatically revises the reaffirmation agreement provisions of the Code. It imposes critical disclosure requirements that will put a stop to abusive practices. It makes the provisions relating to farmers in chapter 12 permanent and broadens its provisions. It cleans up the law governing complex exchanges and thereby reduces systemic risk in our marketplace. It acts to stop abuse.

When this bill hit the floor on Monday, February 28, I mentioned that we were in the last leg of a legislative marathon. The finish line is finally in sight. I am pleased to have been a part of this process and I am even more pleased we are able to pass this important legislation, and I anticipate that it will pass shortly. This bill has been a long time in development. I am proud of what we have been able to accomplish. Today it seems it is finally going to cross the finish line, and it is well worth it.

This bill may not lead to a severe reduction in the number of bankruptcies. I believe, though, that it will reduce the number of fraudulent and abusive filings and help educate consumers to keep their financial houses in order. This is always an important goal. No responsible society can long countenance the open flouting and abuse of its laws.

This bill, with its means test, will discourage such abusive filings by restricting access to chapter 7 liquidation by those with relatively high incomes. We should all stand behind a law that requires people with the ability to repay their debts to actually repay those debts.

Most of our debate on this bill has focused around the means test. There is no doubt that this will discourage some bankruptcy filings, but I also hope our credit counseling provisions will work to persuade even some low-income debtors that there is another way out.

Right now, too many are only hearing one part of the story: Declare bankruptcy. Liquidate your debts. Some attorneys pushing this line, however, leave out the part about the years of ruined credit that result, the inability to get a car loan or a house loan. My hope is our modest credit counseling provisions will persuade some people to stay out of bankruptcy and meet their obligations, do what is right, and keep their credit alive.

While a great majority of Senators support this bill, I know not all of my colleagues are pleased. Last night my friend from Massachusetts, Senator KENNEDY, again voiced his strong opposition to this legislation. This was probably clear from my response. I vehemently disagree with his opinions about this bill, but I hope he understands that we are trying our best.

Could we have done better? I have no doubt about that, not for a second, but I also know this bill has benefitted from some of Senator KENNEDY's suggestions over the years. We have not ignored him, and I hope he understands we appreciate his participation.

I also understand some of my colleagues feel that they may not have been treated fairly in this process. My desire throughout this process, and the desire of my colleagues who supported this bill, was always to act as an honest broker who took the suggestions of the other side with appropriate seriousness. I understand the frustration from some on the other side at the inability to get amendments agreed to or considered on the floor, but I hope they in turn can understand that we have tried our best on this side to balance all of the competing interests in this body

while also trying to get this very important bill done.

In particular, I think we could have done a better job of working through the technical amendments offered by Senator FEINGOLD. Truth be told, I do not think all of these amendments were merely technical amendments. Be that it as it may, Senator FEINGOLD had a right to submit his amendments at the committee and then on the floor. Perhaps the consideration of the Feingold amendments would have been more complete if we had all focused on these proposals earlier in this debate. I fully respect the right of the distinguished Senator from Wisconsin to offer his amendments, even if we know he is opposing the underlying bill, which he always has. Getting all the parties on board is an uphill climb.

I was given the assignment by Chairman SPECTER to try to get this bill reported by the last recess. We accomplished that goal. In that process, I know Senator FEINGOLD feels he did not get a fair hearing in the committee. I hope the final outcome today persuades him otherwise.

For my part, I instructed my staff to meet with the staff of the distinguished Senator from Wisconsin after the markup. Our staffs met on a number of subsequent occasions. We were able to work out several agreements. Frankly, I was sympathetic to several features of other of his amendments. As we all recognize, proposing an amendment is much easier than getting an agreement on an amendment. I want him to know that we tried.

In discussions with the sponsor of the bill, Senator GRASSLEY, the chairman of the Judiciary Committee, Senator SPECTER, our leadership, Senator SESSIONS, who has played a significant role on this bill and others, we had to make a number of determinations over what amendments to support and what to exclude from the bill. These were not easy decisions, and sometimes they had to be made in conjunction with leaders in the House of Representatives, which is not unusual. We do try to work with them, if we can. In this case, I think we have been working with them.

We could not accept all of Senator FEINGOLD's amendments. I think he probably knows that, too. Our staffs made the effort to work through both the substance and the politics of the issues, and these consultations have borne some fruit. That is important to state, because I do not want my colleague to feel badly or feel he has not been treated fairly. I wish we could have found still more common ground, but after consulting with and facilitating consultations between Senator FEINGOLD's staff and my staff and other Senate staff, we at least made some progress.

I thank and congratulate Senator GRASSLEY, the prime sponsor of this bill over the last 8 years. He has worked extraordinarily hard on this bill. It has been a long time in coming. My hat, as usual, is off to him. Senator SESSIONS is another Senator whose hard work made this possible. We all appreciate his work in the committee and on the floor during the last few weeks.

I would also thank the majority leader, Senator FRIST, and the majority whip, Senator MCCONNELL, and the chairman of the Judiciary Committee for their efforts on behalf of this legislation. Chairman SPECTER has been here working hard for the people of Pennsylvania only days after his cancer treatments, and that is not easy to do, and certainly not easy since he has a continuation of those treatments. He is a heroic figure, in my eyes, for the way he has handled himself in this very difficult time.

I must also thank Chairman SHELBY, and Senator SARBANES of the Banking Committee. We all know how vital the Banking Committee was to this process. We could not have gotten this done without their help.

I believe that several Senators from across the aisle deserve recognition as well. I want to once again thank the Minority Leader, Senator REID, and the Minority Whip, Senator DURBIN, for helping to move this bill through the Senate.

Senators BIDEN and CARPER have worked tirelessly for years on this legislation, and they have taken some tough votes to get it done. Senator NELSON from Nebraska has also shown great resolve and deserves recognition for his efforts, particularly with respect to the provisions affecting farmers. Senator JOHNSON has also been committed to this legislation and I thank him.

No thank you list would be complete without the Senator from Vermont. My dear friend Senator LEAHY and I have not always agreed on every aspect of this legislation, but we have worked hard to make it better. Senator LEAHY developed two important amendments that were accepted. Similarly, Senator FEINGOLD—who has been an ardent opponent of this legislation—has nevertheless dedicated himself to improving it. I have enjoyed working with him, and several other Democratic members of the Judiciary Committee over the years—including Senators FEINSTEIN, KOHL, KENNEDY, SCHUMER and DURBIN—to get this bill done.

I would also like to take a moment to thank all of the staff who worked so hard to make this happen. I know that several of them—on both sides of the aisle—have not seen their significant others in weeks. We owe them a great debt of gratitude. If my colleagues would permit me, I would like to name a few of them.

I think the record should reflect that Rene Augustine, a former counsel now at home with her new-born child, and Makan Delrahim and Manus Cooney, both former Judiciary Committee Chief Counsels, worked for years on this legislation and it would not have been possible but for their efforts. Similarly, John McMickle, a former staffer of Senator GRASSLEY who worked on this bill while he was in the Senate, has taken an enormous amount of time away from his young children to help on this project.

For staff who still work here, I think that Senator GRASSLEY'S chief counsel, Rita Lari-Jochum, should be singled out for her hard work and dedication to this bill. She has helped manage this process over the last several weeks, and she has done a fantastic job. Similarly, Mike O'Neill, Judiciary Committee Chief Counsel, and Harold Kim, Chief Civil Counsel, have done an outstanding job—as have the whole Judiciary team. There are several new counsels in that office that were thrown into the crucible in their starting weeks. First with class action, and now with bankruptcy. The record should reflect the professionalism and excellence with which Ivy Johnson, Tim Strachan, Ryan Triplette, Hannibal Kemmerer, and Nathan Morris have conducted themselves. They are a fantastic group.

In Senator SESSIONS office, no one could overlook his chief counsel, William Smith, or his deputy chief counsel Cindy Hayden. Amy Blakenship and Wendy Fleming also with Senator SESSIONS, did a great job as well. They all did wonderful job.

In the Majority Leader and Majority Whip's office, Eric Ueland, Sharon Soderstrom, and Allen Hicks led the team. John Abegg in Senator MCCONNELL'S office, proud father of a baby girl born on the day this bill hit the floor, nevertheless managed to get the job done. Kyle Simmons, Brian Lewis, and Malloy McDaniel all worked vigorously to plan and manage the strategy and votes on amendments. Stephen Duffield and his team at the R.P.C. has also provided timely and accurate information on the bill on a daily, and when needed, hourly, basis.

As my colleagues all know, the Banking Committee played an important role in this process. Senator SHELBY is fortunate to have people like Kathy Casey, Doug Nappi and Mark Oesterle working for him.

I would also like to thank the House Judiciary Committee staff—they have been an invaluable resource and we would not have been able to get this done without them. As always, Phil Kiko provided a steady hand steering important legislation. Susan Jensen is a treasure trove of information and she has devoted herself to this endeavor. Stephanie Moore and Perry Applebaum of Representative CONYER's office, I am sure will help the legislation move through the House.

The hardworking people in the legislative counsel's office have also undertaken a Herculean effort and flourished in the process. I believe that 125 amendments were filed on this bill, and that does not include the 50 or so that we had in Committee. That is a lot of drafting of complex legislation and we all owe Bill Jensen, Matt McGhie and Amy Gaynor our thanks for their contributions during this long trip. I

would add Bob Schiff of Senator FEINGOLD'S staff, who worked to make this a better bill. It is a pleasure to work with him and he is someone we respect. I wish we could have done more for him and his great boss. We have done the best we can.

Finally, on my own staff, Bruce Artim, Kevin O'Scannlain, Perry Barber and Brendan Dunn all worked very hard on this legislation.

My personal executive assistant, Ruth Montoya, has put up with an awful lot over these last few weeks, and I appreciate her as well as my chief of staff Trish Knight, and Susan Cobb and the many others who literally have worked so hard to help me over these last several weeks—frankly, over the last many years. I know there are many others I have not been able to recognize, and they should all know what a wonderful job I believe they have done. I believe we have an important achievement with this bill, and I think it is only a matter of time until we get this bill passed on the floor, which will be a good end.

Mr. President, the bankruptcy legislation cures some abuses in the Bankruptcy Code regarding executory contracts and unexpired leases.

One provision, Section 404(a) of the bill, amends Section 365(d)(4) of the Bankruptcy Code. Presently, Section 365(d)(4) provides a retail debtor 60 days to decide whether to assume or reject its lease. A bankruptcy judge may extend this deadline for cause—and therein is the problem. Some experts believe that too many bankruptcy judges have allowed this exception essentially to eliminate any notion of a reasonable and firm deadline on a retail debtor's decision to assume or reject a lease. Some bankruptcy judges have been extending this deadline for months and years, often to the date of confirmation of a plan.

This situation can be troublesome. For example, a shopping center operator is a compelled creditor. It has little if any choice but to continue to provide space and services to the debtor in bankruptcy. Yet, the current Code permits a retail debtor as long as years to decide what it will do with its leases. Coupled with the increased use of bankruptcy by retail chains, the Bankruptcy Code is seen by some to be tipped unfairly against the shopping center operator.

Some stores curtail their operations or go dark, and still the lessor cannot regain control of its space.

This legislation, like the conference report in the last two Congresses, acts to curb this abuse. It imposes a firm deadline on a retail debtor's decision to assume or reject a lease. It permits a bankruptcy trustee to assume or reject a lease on a date which is the earlier of the date of confirmation of a plan or the date which is 120 days after the date of the order for relief. A further extension of time may be granted, within the 120 day period, for an additional 90 days, for cause, upon motion of the trustee or lessor. Any subsequent extension can only be granted by the judge upon the prior written consent of the lessor: either by the lessor's motion for an extension, or by a motion of the trustee, provided that the trustee has the prior written approval of the lessor. This is important. We are limiting the bankruptcy judges' discretion to grant extensions of the time for the retail debtor to decide whether to assume or reject a lease after a maximum possible period of 210 days from the date of entry of the order of relief. Beyond that maximum period, there is no authority in the judge to grant further time unless the lessor has agreed in writing to the extension.

Retail debtors filing for bankruptcy will undoubtedly factor into their plans this new deadline. Most retail chains undertake a careful review of their financial condition and business outlook before they file for bankruptcy. They will already have an understanding of which leases are ones they wish to assume and which ones they wish to dispose of. The legislation gives them an additional 120 days to decide on what to do with their leases, once they file for bankruptcy. Beyond that 120 day time period, an additional 90 days can be granted for cause. A further extension may be negotiated by the retail debtor and the lessor if circumstances warrant, and any such extension can be granted by a judge only with prior written consent of the lessor. Further, a lessor's prior written approval of one such extension does not constitute approval for any further extensions—each such extension beyond the 210-day period requires the lessor's prior written approval.

The bill in Section 404(b) also amends Section 365(f)(1) of the Bankruptcy Code to make sure that all of the provisions of Section 365(b) of the code are adhered to and that 365(f) of the code does not override Section 365(b).

This addresses another problem under the Bankruptcy Code. The bill helps clarify that an owner should be able to retain control over the mix of retail uses in a shopping center. When an owner enters into a use clause with a retail tenant forbidding assignments of the lease for a use different than that specified in the lease, that clause should be honored. Congress has so intended already, but bankruptcy judges have sometimes ignored the law.

Congress made clear, in Section 365(b)(1) and 365(f)(2)(B), that the trustee may assume or assign an executory contract or unexpired lease of the debtor, only if the trustee gives adequate assurance of future performance under the contract or lease.

In Section 365(b)(3), Congress provided that for purposes of the Bankruptcy Code:

adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance—

(A) of the source of rent and other consideration due under such lease, and in the case of an assignment, that the financial condition and operating performance of the proposed assignee and its guarantors, if any, shall be similar to the financial condition and operating performance of the debtor and its guarantors, if any, as of the time the debtor became the lessee under the lease;

(B) that any percentage rent due under such lease will not decline substantially;

(C) that assumption or assignment of such lease is subject to all provisions thereof, including (but not limited to) provisions such as a radius, location, use, or exclusivity provision, and will not breach any such provision contained in any other lease, financing agreement, or master agreement relating to such shopping center; and

(D) that assumption or assignment of such lease will not disrupt any tenant mix or balance in such shopping center.

Congress added these provisions to the Code in recognition that a shopping center should be allowed to protect its own integrity as an ongoing business enterprise, notwithstanding the bankruptcy of some of its retail tenants. A shopping center operator, for example, must be given broad leeway to determine the mix of retail tenants it leases to. Congress decided that use or similar restrictions in a retail lease, which the retailer cannot evade under nonbankruptcy law, should not be evaded in bankruptcy.

It is my understanding that some bankruptcy judges have not followed this Congressional mandate. Under another provision of the Code, Section 365(f), a number of bankruptcy judges have misconstrued the Code and allowed the assignment of a lease even though terms of the lease are not being followed. This appears to ignore Section 365(b)(3).

For example, if a shopping center's lease with an educational retailer requires that the premises shall be used solely for the purpose of conducting the retail sale of educational items, as the lease in the *In re Simon Property Group. LP* v. *Learningsmith, Inc.* (D. Mass. 2000) case provided, then the lessor has a right to insist on adherence to this use clause, even if the retailer files for bankruptcy. The clause is fully enforceable if the retailer is not in a bankruptcy proceeding, and the retailer or the bankruptcy trustee or judge should not be able to evade it in bankruptcy. Otherwise, the shopping centers operator could lose control over the nature of its business.

In the Learningsmith case, the judge allowed the assignment of the lease to a candle retailer because it offered more money than an educational store to buy the lease, in contravention of Section 365(b)(3) of the Code. As a result, the lessor lost control over the nature of its very business, operating a particular mix of retail stores. If other retailers file for bankruptcy in that shopping center, the same result can occur.

In the past, courts have disagreed about whether Section 365(f) overrides the provisions of Section 365(b)(3). For example, in the case of *In re Rickles Home Ctrs., Inc.*, 240 B.R. (D.Del. 1999), appeal dismissed, 209 F.3d 291 (3d Cir.), cert. denied, 531 U.S. 873 (2000), the

judge disregarded the use clause and allowed a lease sale to go through to a non-conforming user. However, in *In re Trak Auto Corp.*, 367 F.3d 237 (4th Cir. 2004), an appellate court held that a use clause must be strictly enforced under Section 365(b)(3) on sale of the lease, notwithstanding Section 365(f). This legislation provides the necessary clarity by amending Section 365(f)(1) to help make clear it operates subject to all provisions of Section 365(b).

I note that Section 365(d)(4) of the Bankruptcy Code applies to cases under any chapter of Title 11. Language to that effect in the current Code's Section 365(d)(4) is deleted because it is repetitive of Sections 103(a) and 901 of the Code, which already make clear that provisions like Section 365(d)(4) apply to all cases under Title 11.

This bill creates new legal protections for a large class of retirement savings in bankruptcy. This measure has widespread support from a long list of groups, ranging from the American Association of Retired Persons, to the Small Business Council of America and the National Council on Teacher Retirement.

Let me take this opportunity to point out that the assets of some pension plans already are protected from bankruptcy proceedings. The United States Supreme Court has ruled in Patterson v. Shumate, reported at 504 U.S. 753 (1992), that assets of pension plans which have, and are required by law to have, anti-alienation provisions, are excluded from bankruptcy estates.

Let me be absolutely clear that this provision is not intended in any way to diminish the protections offered under existing law and under the United States Supreme Court's decision in Patterson v. Shumate, but rather, is intended to provide protection to other retirement plans and accounts not currently protected.

Mr. President, this has been a battle, there is no question about it, like all hotly contested issues are. But I think virtually everybody has contributed, and we have had some tough times on the floor. We have had even some bad feelings from time to time. But we have been at this for 8 solid, difficult years. It is unfortunate we could not work out more amendments, also, but we couldn't and still have this bill pass, hopefully for the last time. We worked in good faith to try to do that.

For those who feel they have not been treated as fairly as I would certainly have wanted to treat them or I feel I have treated them and others as well have treated them, we feel bad about that and hope they will forgive us for not being able to make some of the changes that perhaps we would have made had this been the first year of this bill and we didn't have the difficulty of meeting the suggestions of our friends over in the other body.

We think they have done a terrific job. The people in the House of Representatives are tremendous leaders, from Chairman SENSENBRENNER right on through the whole Judiciary Committee and, of course, the leadership over in the House as well and others who are not on the Judiciary Committee but are concerned about this very important bill. They work closely with us. It is difficult for them and it is difficult for us, but that is the way these two bodies ought to work together, and this bill is a perfect illustration of what can happen if good people can get together, compromise on some of these issues that can be compromised, and yet stand firmly so we can pass legislation like this that will benefit the whole country.

In my final remarks, let me recognize the efforts of Ed Pagano and Bruce Cohen of Senator LEAHY's office and Jim Flug and Jeff Teitz of Senator KENNEDY's office for all the hard work they have done over the years on this issue as well. It is a pleasure to work with staff on the Judiciary Committee. They are bright. They are articulate. They are brilliant, as a matter of fact. That is what you want in Judiciary Committee staffers. I wish those on the minority side would not be nearly as tough as they are, but I respect them for being that way.

With that, 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. HATCH. 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.

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. (Mr. VITTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—99

Akaka	Burns	Corzine
Alexander	Burr	Craig
Allard	Byrd	Crapo
Allen	Cantwell	Dayton
Baucus	Carper	DeMint
Bayh	Chafee	DeWine
Bennett	Chambliss	Dodd
Biden	Coburn	Dole
Bingaman	Cochran	Domenici
Bond	Coleman	Dorgan
Boxer	Collins	Durbin
Brownback	Conrad	Ensign
Bunning	Cornyn	Enzi
Feingold	Lautenberg	Rockefeller
Feinstein	Leahy	Salazar
Frist	Levin	Santorum
Graham	Lieberman	Sarbanes
Grassley	Lincoln	Schumer
Gregg	Lott	Sessions
Hagel	Lugar	Shelby
Harkin	Martinez	Smith
Hatch	McCain	Snowe
Hutchison	McConnell	Specter
Inhofe	Mikulski	Stabenow
Inouye	Murkowski	Stevens
Isakson	Murray	Sununu
Jeffords	Nelson (FL)	Talent
Johnson	Nelson (NE)	Thomas
Kennedy	Obama	Thune
Kerry	Pryor	Vitter
Kohl	Reed	Voinovich
Kyl	Reid	Warner
Landrieu	Roberts	Wyden

NOT VOTING—1

Clinton

The bill (S. 250), as amended, was passed.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005—Continued

AMENDMENT NO. 90

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Feingold amendment No. 90.

Mr. FRIST. Mr. President, for the information of my colleagues, in consultation with the Democratic leader, we would like to have all of the remaining votes be 10-minute votes. We are going to be enforcing it strictly, so we have a reason to keep moving along. We ask that everybody, once we start voting shortly, stay in the Chamber and continue to vote. We will have 10-minute votes for the remainder of the evening.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, if we have a brief quorum call, I believe we may be able to eliminate the need for some of the votes.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the fact that we have had some opportunity to make a few modest modifications at the end of this process. Obviously, I hoped for more, but I do thank the Senator from Utah, Mr. HATCH, the Senator from Alabama, Mr. SESSIONS, the Senator from Iowa, Mr. GRASSLEY, and the Senator from Pennsylvania, Senator SPECTER, who are working on a number of changes and accepting a couple of amendments so we can move this process through. The result will be that the next five votes on my amendments will not be necessary, if this agreement is made. So I hope that causes the unanimous consent agreement to go through.

AMENDMENTS NOS. 90, 93, 95, AND 96 WITHDRAWN

AMENDMENT NO. 92, AS MODIFIED

AMENDMENT NO. 87, AS MODIFIED

I ask unanimous consent that my amendments No. 90, No. 93, No. 95, and No. 96 be withdrawn; that my amendment No. 92, as modified and as at the desk, be adopted; and that a modification of my amendment No. 87 which was agreed to last night be accepted as well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 92) as modified, was agreed to, as follows:

Credit Counseling Amendment:

(1) On page 34, after line 25, insert—

''(4) The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and ''disability'' means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1)'';

(2) On page 42, line 15, strike ''and''; and

(3) On page 43, between lines 3 and 4, insert the following:

''(E) if a fee is charged for the instructional course, charge a reasonable fee, and provide services without regard to ability to pay the fee.''

(4) On page 35, line 12, insert ''who is a person described in section 109(h)(4) or'' after the word ''debtor.''

(5) On page 36, line 9, insert ''who is a person described in section 109(h)(4) or'' after the word ''debtor.''

The amendment (No. 87) as modified, was agreed to, as follows:

On page 445, strike lines 10 through 13, and insert the following:

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104(b) of title 11, United States Code, as amended by this Act, is further amended—

(1) by inserting ''101(19A),'' after ''101(18),'' each place it appears;

(2) by inserting ''522(f)(3) and (f)(4),'' after ''522(d),'' each place it appears;

(3) by inserting ''541(b), 547(c)(9),'' after ''523(a)(2)(C),'' each place it appears;

(4) in pagagraph (1), by striking ''and 1325(b)(3)'' and inserting ''1322(d), 1325(b), and 1326(b)(3) of this title and section 1409(b) of title 28''; and

(5) in paragraph (2), by striking ''and 1325(b)(3) of this title'' and inserting ''1322(d), 1325(b), and 1326(b)(3) of this title and section 1409(b) of title 28''.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I checked with the leader on our side, and I hope it is all right with the Republican leader. I have no amendment relating to the bill. I would like to proceed as if in morning business until anyone has an opportunity to move on the bill, and I will cease and desist at that moment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. BIDEN are printed in today's RECORD under ''Morning Business.'')

(The remarks of Mr. BIDEN pertaining to the submission of S. Con. Res. 17 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER (Mr. THUNE). The Senator from Tennessee.

Mr. FRIST. Mr. President, for the information of our colleagues, we are about to have the last vote of the evening which is final passage of bankruptcy legislation. I thank all Members for their hard work today in the Chamber, as well as the Budget Committee and their efforts on the budget resolution. They made huge progress today. We will start on the budget Monday morning. We expect amendments during Monday's session. Therefore, we do expect the next vote to be Monday evening at 5:30.

Mr. BIDEN. Mr. President, several years ago, when we were considering this legislation, I spoke here on the Senate floor about some important provisions that I think have been overlooked in our discussions. In my remarks today I will repeat what I said back then, in March of 2001.

We have heard a lot in recent days about how this bill lacks compassion—specifically, that it will hurt women and children who depend on alimony and child support.

Critics claim that by making sure that more money is paid back to other creditors, this bill will make it harder for women and children to get what is coming to them.

I am particularly proud of my record of protecting women and children during my career in the Senate. That record includes the Violence Against Women Act to protect women threatened by domestic violence.

I am here again today to show that, contrary to a lot of the rhetoric that has been tossed around, this bill actually improves the situation of women and children who depend on child support. It specifically targets the problems they face under the current bankruptcy system into a virtual extension of the current national family support collection system.

There may be other aspects of this legislation that we can debate: the balance between creditors and debtors, between different kinds of creditors, or between different kinds of debtors. But on the question of child support and alimony, there should be no dispute.

Because this bill strengthens the collection of alimony. Period.

Over the many years we have discussed this bill, it has earned the support of the National Child Support Enforcement Association, which represents over 60.000 child support professionals.

It has earned the support of the National Association of Attorneys General, which has sent a letter of support personally signed by twenty-seven State attorneys general.

Over the years, the child support protections in this legislation were endorsed by the Attorney General of the State of Vermont.

The Attorney General of Minnesota endorsed them, too, along with the Attorneys General from Illinois, from Massachusetts, and from California, Montana, North Carolina, Michigan, Maryland, Iowa, Hawaii, and Washington.

The child support and alimony protections in S. 256 are so far superior to current law that the National District Attorneys Association, representing more than 7,000 local prosecutors, have endorsed them.

In addition to those national associations, those protections have earned the support of: the California Family Support Council, whose 2,500 enforcement professionals are responsible for carrying out the Federal child support program in California;

The Western Interstate Child Support Enforcement Council, composed of child support professionals from the private and public sectors west of the Mississippi River;

The California District Attorneys Association, consisting of elected district attorneys from each of every one of California's 58 counties and over 2,500 deputy district attorneys; and finally,

The Corporation Counsel of the City of New York. Yes, even New York City loves this bill.

Why has this legislation earned such overwhelming support from the professionals out in the field and in the trenches who, ever single day, seek and enforce child support orders?

One reason is the hard work of Phillip Strauss, who, speaking for the National Child Support and Enforcement Association, has represented the concerns of child support professionals in testimony before our committee over the years we have debated bankruptcy reform. From his personal experience with the problems women and children face under current bankruptcy law, he brought together his fellow enforcement officials to draft the provisions I am here to discuss.

As Mr. Strauss and his colleagues have told us, right now the treatment of child support and alimony in bankruptcy is a mess, and this bill fixes it.

When a deadbeat dad files for bankruptcy under the current system, what happens to mom and the kids?

Well, if the dad is actually making the payments, those payments stop. That's right, the payments stop cold. Mom then has to find a lawyer or a government advocate, take time off of work, and go to bankruptcy court to try to get those payments started

again. And when she goes to court, her claim may not be heard that day, so she'll have to return again and again . . . or if she's late, she'll miss her day in court.

What else happens under current law? When dad's bill collectors show up in bankruptcy court, mom has to fight with them over dad's assets. There's a good chance that mom not only needs her payments started again, but she is due past support—support payments dad never made last month, last year. She needs him to pay her back for all the payments he failed to make.

And in asserting her claim, she is not the ''Number 1'' collector in line. Under current law, she is Number 7. That's right—Not So Lucky Number 7. The current Code permits other bill collectors to beat her in the race to get at dad's assets. The current law handicaps her at the starting line. She is forced to wage a fight to make sure she and the kids receive their due.

And what happens after she fights it out with the bill collectors? Well, under the current system, she might be lucky and get every dollar due. But, she may only get a portion of what is due or she may not get one red cent.

That's not right. If a bankrupt household is a sinking ship, then women and children should be protected first. This is what the current law fails to do, but it is what this bill does: it puts women and children first.

S. 256 dictates that even if he files for bankruptcy, dad must continue making those support payments that mom needs to feed and clothe her children. Under this bill, women and children will continue to receive their support payments during bankruptcy, while everybody else, from the credit card bank to the department store, waits for the bankruptcy judge's final order and plan.

That alone would be a major improvement over current law. But that is just the beginning of the advances of this bill over current law.

This bill makes mom ''Number 1'' and places her ahead of all the bill collectors on her past-due claim. No other bill collector—not the credit card company, not the car loan company, not the student lenders—can jump ahead of a mother and her children. Every other bill collector must stand in line behind the family.

What is so great about the continuation of payments and making mom ''Number 1''? As a practical matter, she doesn't have to find room in her hectic schedule to make appearances in a federal bankruptcy court—an intimidating place for most people. She can go to work without interrupting her day. She can complete her errands and pick up her kids after school. Under the bill, she will be automatically first in line on her claims and she will continue to receive her payments during bankruptcy.

When we pass this bill, she does not have to work her way through the bankruptcy system. The system will work for her, not against her.

That's the beauty of this bill: It is self-executing. The provisions to be added to the Bankruptcy Code will function automatically. This is vital. Unrepresented women will not be harmed by the process, as they are under the current Code.

Today, under current law, these women have to get an attorney and go to court to assert their claims.

In addition, under this bill, family support will never be dischargeable. It must be paid in full. All of it.

This is important because, under the curren, domestic debts may not be paid in full or at all . . . believe it or not. Right now, a deadbeat father can file for bankruptcy and come out without paying one penny of support. While his slate is wiped clean, a mother and her children go without. When this bill passes and the President signs it, the law will hold the deadbeat dad's feet to the fire: he will pay, he will pay in full.

There are other important ways that this bill will remove real obstacles to justice that exist in current bankruptcy law.

This bill not only lifts the stay on support payments during bankruptcy, but it adds that, when a wife-beater files for bankruptcy, a domestic violence restraining order against him must remain in effect. It cannot be stayed. And the woman who needs a restraining order against him can still get one.

I have here an order from a family court in my home state of Delaware. A woman went to the court and requested a restraining order against her abuser, who had already filed for bankruptcy. Incredibly, the judge found, under the current Bankruptcy Code, that a proceeding for a domestic abuse restraining order is automatically stayed ''by operation of law.''

That's right. We have judges out there right now who look at today's Bankruptcy Code, and they find that filing for bankruptcy stops all proceedings. They find that we have failed to write an exception for proceedings like those for domestic violence. They find their hands are tied.

Then they send a woman in fear for her life off to a federal bankruptcy court to lift the Code's automatic stay by filing a special motion. Unbelievable.

If you think this is fair, if you prefer this state of affairs, then I guess you will vote against this bill. Personally, I am proud of this bill, and I wish that those who are fabricating wild claims about it would stop. If they have their way, the women and children in this country who depend on alimony and child support will be robbed of real protections. That would be a crime.

Under current law, more than just child support and—alimony are stopped in their tracks by the filing of bankruptcy. That automatic stay, as it is called, stops a lot of other proceedings that could provide real help to women and children.

This legislation changes that. It lifts the stay on a number of methods that family support officials use to go after deadbeat dads, who today can hide behind the bankruptcy system. Unlike current law, this bill would permit reporting the deadbeat's overdue support payments to a consumer reporting agency. Under current law, it would permit restrictions on a deadbeat dad's driving, professional, or recreational licenses. It would permit family support collection officials to intercept his tax refunds.

The legislation also clarifies the definition of support payments, ending conflicting bankruptcy decisions by different courts that today question what support payments actually are.

Most significantly, though, this bill prevents a father from completing bankruptcy unless he has paid all his support obligations due after he filed for bankruptcy.

Let's think about this. Under current law, a father filed for bankruptcy and can complete bankruptcy under a plan that relieves him of his past-due domestic obligations. Under the bill, however, this scenario will become obsolete. A father will never complete bankruptcy until he is paid up. He must pay.

Moreover, the bill protects mom during a bankruptcy plan. Once a father is under a bankruptcy plan and he fails to make his support payments, a mother can march to the bankruptcy court and ask the court to dismiss his plan. The court will call dad back in to explain himself. He doesn't want to make payments during his bankruptcy plan? Fine, he can be thrown out of bankruptcy, and find himself back at square one.

Some claim that this bill lacks compassion. Well, right now, women who want child support orders or who already have orders but fail to enforce them slip through the cracks. If we pass this bill, the Bankruptcy Code will empower women with the information they need.

Section 219 of the bill requires the U.S. Bankruptcy Trustee to notify a woman of her rights to use the services of her state child support enforcement agency and gives her the agency's address and phone number. Better yet, the Trustee likewise notifies the agency independently of the woman's claim. This is striking.

Women who need help will get the information they need, because the bankruptcy system is charged with reaching out to family support professionals—acting under federal family support collection law—and putting them at the service of the women and children who need them.

This last item needs stressing, Mr. President, because so much has been made about what will happen after someone who owes family support payments comes out of bankruptcy. The claim is that other ''more powerful'' creditors will push women and children aside and strip the dad bare before he can make payments to his family.

That makes for a moving story, Mr. President, but it is fiction, not fact.

This legislation requires the bankruptcy Trustee to notify both the woman and the family support collection professionals about the dad's release from bankruptcy, his last known address, the name and address of his employer, and a list naming all the bill collectors who will still be collecting from dad.

This section helps mothers both during and after bankruptcy.

The new notification process will help a mother and the support enforcement agencies keep track of a father, where he is working, and what other bills he is required to pay.

Because of this monitoring, which would be put in place by the bankruptcy system under this bill, mothers and collection agencies can more easily go to court and get that portion of a father's wages that now really belongs to them. Dad may complete his bankruptcy plan, but his obligations do not stop.

These new protections guarantee that family support claims of women and children,will always receive ''Number 1'' priority—during and after bankruptcy. The process for obtaining a portion of a father's wages—through a wage attachment—gives priority to domestic support orders over orders held by bill collectors, including credit card companies.

That money is taken out of his paycheck before he even sees it. He can't be forced by ''powerful creditors'' to choose between them and his alimony or child support. Those payments are automatic. Again, the picture of greedy bill collectors rushing to the front of the line makes for dramatic storytelling. But it is only that—storytelling.

The legislation builds on the existing Federal Child Support Enforcement Program, that exists to help women of all walks of life receive their support payments. By tying Federal dollars to federal standards, current law requires state and local support enforcement agencies to enforce national standards.

A couple of the requirements under Federal family support law are: first, that immediate wage withholding should be included in all child support orders; and second, that the withholding of child support obligations be given top priority over every other legal process under State law against the same wages.

Therefore, after bankruptcy, when a mother and the bill collectors walk into court to make claims against the father's wages, the mother is again ''Number 1'' in priority and those bill collectors fall in line behind her.

In response to some of my colleagues concerns—concerns that I would certainly share if I listened to some of the claims out there—I looked for ways to make the system even tighter.

I found out that the only way to do that was to require a wage attachment, whether the woman wanted one or not. Maybe she wants nothing to do with an abusive husband. Maybe she is afraid for him to know her address. We have to leave that decision up to her, but she will get all the help we can give to help her know her rights.

As I said, I looked for ways to make this bill stronger in support of women and children who depend on support payments, and I simply couldn't find any.

Even if a father does not earn wages, then support enforcement agencies have many tools to use to ensure that the mother and her children are paid. A support enforcement agency can intercept taxes and unemployment benefits, revoke driver's, professional and recreational licenses (like those used for fishing, hunting, and boating), deny passports, and institute criminal and contempt actions.

That is why, even compared to any imaginary ''powerful creditor'' you might be able to conjure up, mothers and children have real, tangible protections and resources at their disposal to bring a first priority claim against a father's wages after bankruptcy.

Finally, let me conclude where I began: with the enthusiasm for this legislation that we have heard from the folks in the trenches.

Here is what the National Association of Attorneys General has asserted: the bill ''improve[s] the treatment of domestic support obligations'' and when the current Code's ''obstacles are removed, as this legislation seeks to accomplish, we believe that our State and local support offices will continue to be able to collect these monies effectively, regardless of whether other lower-priority creditors remain.''

As I mentioned before, the Association's letter was personally signed by the State Attorneys General from twenty-seven States, including the—State Attorneys General from Vermont, Minnesota, Illinois, Massachusetts, California, North Carolina, Michigan, Montana, Maryland, Iowa, Hawaii, and Washington.

The National District Attorneys Association, with more than 7,000 local prosecutors in their membership, does ''not believe that after bankruptcy it would be more difficult to collect support simply because credit card debts are not discharged. To the contrary, support collectors have vastly more effective, and meaningful, collection remedies before a bankruptcy case is filed, or after the case is completed, than any other financial institution . . . It is under the current law, during bankruptcy, that support collectors have the greatest difficulty because they are in competition with all other creditors for bankruptcy estate assets and because their most effective collections remedies have been stayed . . . This legislation provides a major improvement to the problems facing child support creditors in bankruptcy proceedings.''

I support the reform that the enforcement professionals call for, from New York City to California, from Minnesota to Vermont, from Massachusetts to Michigan. I want to save women and children from having to fight their way through a broken bankruptcy system. I want to make the system work for them, not against them.

A vote against this bill is a vote in favor of the current broken system. A vote for this bill is a vote to protect family support payments in bankruptcy.

That is why I support this bill.

Mr. DORGAN. Mr. President, I know that the Senate is about to pass a bankruptcy reform bill, and that this bill will be signed into law. And it is with some regret that I say that I will not vote for it.

I do believe that there have been cases of abuse of our bankruptcy system, and that some reform is needed. Nobody likes to hear of wealthy people who walk away from their debts because they can game the system. That's not fair to financial institutions, and perhaps more importantly, it's not fair to Americans who pay their debts in full.

I voted for a bankruptcy reform bill twice in the past, most recently in 2001. That bill passed in the Senate with significant bipartisan consensus, and I had hoped that it would be signed into law. But the House of Representatives refused to compromise with the Senate, and ultimately the bill failed.

This time around, I would have liked to have reached another bipartisan consensus. However, the bipartisan spirit seems to have broken down.

My colleagues on the Democratic side offered a number of amendments that were reasonable, common-sense tweaks to the bill, to reflect changes in our country since the last time the bankruptcy bill was considered.

There have been hundreds of thousands of National Guard and reserve troops called up because of the conflicts in Afghanistan and Iraq. They have left behind their jobs, their businesses, and their families. When they find themselves in bankruptcy, why not allow them some consideration? My colleague from Illinois, Senator DURBIN, offered an amendment that would have done precisely that, but it was voted down on a largely partisan vote.

Or how about victims of identity theft? In the last few years, identity theft has become a plague on law-abiding citizens. My colleague from Florida, Senator NELSON, offered a most reasonable amendment, which simply said that if someone is forced into bankruptcy because of identity theft, he should receive some consideration. That amendment was also voted down along partisan lines.

Or how about Americans who suffered major medical problems and were driven into bankruptcy? A very recent Harvard Medical School study found that about half of all people that have been driven to bankruptcy have suffered a major medical problem. Many of these people have lost their homes. So Senator KENNEDY offered an amendment that would have allowed such

Americans to keep their home—not a mansion, mind you, but a modest home, while they try to get back on their feet. But this amendment also was shot down.

We have not heard good arguments for why these amendments should have failed. The majority party have really only had one argument: that they want to avoid displeasing the House of Representatives, and don't dare modify the Senate bill even with modest, reasonable amendments.

Well, I am just not going to support a bill that turns its back on service members and veterans, or on hard-working people that just happen to have had a medical crisis, and have been driven into bankruptcy not because they are gaming the system, but because of circumstances beyond their control.

One other point. This bankruptcy bill was supposed to be about preventing cheating in the bankruptcy system. Well, I offered an amendment, along with Senator DURBIN, that would have dealt with a different kind of cheating: the fraud, waste, and abuse that has been rampant in many of the reconstruction contracts in Iraq. My amendment said, let's appoint a bipartisan special committee of the Senate to investigate these abuses. But that amendment did not even get a vote.

In 1941, a Senator from Missouri by the name of Harry S Truman heard allegations of wasteful and fraudulent spending in the preparations for World War II. He thought this waste and fraud could undermine the war effort, so he drove around the country, visiting military bases. And when he came back, he called for the creation of a special committee. That committee, which came to be known as the Truman Committee, saved the U.S. government an estimated $15 billion—and that's in 1940s dollars.

That was a case of a Democrat calling for investigations of contracts handled by a Democratic Administration. But for Harry Truman, this wasn't about politics—it was about looking out for the U.S. taxpayer, and not squandering resources that were meant for the war effort.

We need a Truman Committee again, because the majority party is not calling for oversight hearings on these contracting abuses in Iraq. My amendment would have created a bipartisan special committee to do just that. But it did not even get a vote, because the majority party rested on a technicality in Senate rules to deny a vote.

Under these circumstances, I am, regretfully, not going to vote for the bankruptcy bill.

Ms. MIKULSKI. Mr. President, today I rise to oppose S. 256, the Bankruptcy Reform Bill. This bill is unfair to the little guy—to families who are struggling to overcome medical bills, unemployment, or divorce and find themselves forced to declare bankruptcy. Under the guise of reform it makes it tougher on families who have done the right thing. That's not what we should be doing in the United States Senate. Our job is to make sure we are protecting middle-class Americans and small businesses who are the lifeblood of our economy, not hurting them. While some of the reforms of the bill are good steps it goes too far to favor credit card companies and corporations over working families.

This bill creates such strict standards that many of our nation's most vulnerable families are treated unfairly when they are forced to file bankruptcy because of the loss of a job, the high cost of health care or a divorce. This bill does nothing to address the problems these individuals are having, the problems that have driven them to bankruptcy and it provides virtually no discretion for courts dealing with these bankruptcy claims.

I have supported bankruptcy reform legislation in the past—but it was not this bill and it was not this process. This bill was rushed through Committee with the promise that amendments would be considered on the floor, that there would be debate and an opportunity to improve the bill. Yet, none of the amendments were truly considered, most were opposed by Republicans marching in lock step to defeat every amendment to the existing bill. In short, there was no real opportunity to improve the bill. What came to the floor leaves the floor virtually unchanged and truly unfair to many of our citizens who are forced to file bankruptcy because of unforeseen circumstances like job loss, divorce or medical costs.

Half of all families filing for bankruptcy have faced illness or high medical costs. Medical costs, especially for seniors, are one of the fastest growing causes of bankruptcy. These are not folks who use their credit cards to buy fancy suits, designer wares or other luxury goods. They are paying for the basic necessities of their lives with their credit cards. They are putting their food, clothing and medical bills on the credit cards. Nearly 9 out of 10 people file bankruptcy because of health care problems, job loss or divorce. These individuals don't want to file bankruptcy—in fact, they have tried to avoid bankruptcy. That's why they pay those medical bills with credit cards when they simply can't afford any other way. Or they skip going to the doctor all together because they know have no means to pay. And what happens—they get sicker, incur greater costs for catastrophic care and that sends them spiraling further into debt and forcing many into bankruptcy.

We ought to be doing something to help those individuals—not creating a law that will make matters worse. The Senate should be on the side of those Americans who are facing hard times and hard decisions. We should be addressing the lack of health care and working to ensure that we are creating good, high paying jobs.

I am opposing this version of the Bankruptcy Reform Bill because it creates needless and unfair hoops for these individuals to jump through and the rigid means test puts those in real need of relief at a disadvantage. It imposes new burdens on families already overburdened by the debt they must shoulder. Certainly we all agree that those who can afford to should pay their creditors back—that they should be responsible for their debt. Those debtors who charge thousands of dollars on luxury goods, new cars and the like, only to then declare bankruptcy, should be held accountable. Many of us can remember a mother or father who taught us about debt, taught us the dangers of getting into debt and to be responsible for paying all our debts back. But we need to be fair in how we calculate who can pay. And we need to make sure that the provisions are not so rigid that they allow courts no discretion to take into account the circumstances that lead to the bankruptcy.

The legislation that the Senate considers today is different from past versions that I have supported. There is obviously the removal of the Schumer amendment which held those who block access to abortion clinics accountable for the court judgments that they have incurred. But it also gives women, single parents, families and those living in poverty less opportunity to overcome their hardships and get a fresh start. This bill punishes people, assumes that all those filing for bankruptcy have purposefully created their debt problems, imposes a strict standard that does not take into account the circumstances surrounding the bankruptcy and the real means of individuals to pay their debt back. That's not fair, it's not right, and it makes life tougher on working families. I urge my colleagues to join me in standing up for women, children and working families by opposing this bill.

Mr. REED. Mr. President, today I share my concern over S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and urge my colleagues to vote against this flawed legislation. This legislation provides a misguided and uneven approach to combating bankruptcy abuse, especially because it leaves so many causes of bankruptcy unaddressed.

Most provisions in this bill were written years ago and do not target abuses which have recently gained public attention. When this bill was originally drafted, corporate fraud at Enron and elsewhere had not yet come to light. The executives at these corporations had not yet been caught enjoying huge personal gains at the expense of shareholders and employees only to later file for bankruptcy. This bill does not fully address these types of bankruptcy abuses, and unfortunately efforts to close these loopholes failed.

At the time this bill was drafted, companies were less likely to file for bankruptcy to shed health care and pension obligations to their retirees. In fact, the number of senior citizens in bankruptcy tripled from 1992 to 2001,

representing the largest increase of any group. Today, nearly a million Americans have had their pension plans taken over by the Pension Benefit Guarantee Corporation and their benefits reduced; this is a substantial increase from when the bill was drafted. I am disappointed that this body not only voted against the Feingold amendment that would have helped elderly Americans protect their houses, but also against the Rockefeller amendment to improve employees' claim for owed wages and benefits. The Rockefeller amendment would have also required companies that dropped retiree health benefits to reimburse each affected retiree for 18 months of COBRA coverage upon reemerging from bankruptcy.

The bill adds a means test, which supporters of the bill say will significantly reduce abuse. The nonpartisan American Bankruptcy Institute found that over 96 percent of families seeking to go into chapter 7 bankruptcy would be judged as unable to pay under the new means test. However, the means test would likely deter qualifying families from filing for bankruptcy due to the addition of regulatory requirements and legal costs.

I am not opposed to sensible bankruptcy law reform, but this is a reverse Robin Hood—squeeze the down-on-their-luck middle class and impoverished Americans and give the proceeds to the financial services industry. Contrary to the claims of creditors, many of these families simply cannot pay. About half of families going into bankruptcy have had their utilities or phone shut off, and 60 percent went without medical care. One in five families that are bankrupt because of medical bills went without food. Surveys have shown that many of them want to repay their bills but are unable to, and they must ultimately file for bankruptcy to stop the harassment of collection agents.

This bill does nothing to prevent bankruptcy by targeting its causes. We should work to ensure adequate worker compensation, lower the high cost of health care, improve financial education, and stem predatory lending.

Our middle class is increasingly squeezed. Median family income has been relatively stagnant, rising by only 12 percent in constant dollars from 1978 to 2003. This increase has not kept up with families' sharply increasing costs. Health care costs have risen by 327 percent in constant dollars from 1988 to 2004. The real cost of tuition at a four year public university increased by 646 percent from 1978 to 2003. Child care costs have risen by 35 percent more than inflation from 1986 to 2003.

With less disposable income, families are less able to make it through difficult financial times and can be devastated by a single unexpected event. It saddens me that many of my colleagues in the majority voted against Senator KENNEDY's amendment to raise the minimum wage for the first time in eight years. This measure could have meant the difference to countless Americans between being able to pay their bills and having to file for bankruptcy.

Indeed, according to a new Harvard Law School study, illness or high medical costs cause half of personal bankruptcies. Certainly this is sure to affect the 45 million uninsured Americans, up from 30 million in 1978. It also has a traumatic effect on those who do have health insurance, one-third of whom lost it while they were sick. Yet again, I believe it was a mistake for this body to have killed an amendment to offer protections to patients with high medical bills.

We also continue to see some banks cross the line into predatory lending practices. We must continue to find a balance between providing access to credit and capital and protecting individuals from predatory lending. Unfortunately, as many of my colleagues have pointed out, members of our Armed Forces have become a top target of these unsavory practices. Senator DURBIN's G.I. protection amendment would have extended protections to military members who have been forced into bankruptcy because of income loss connected to their service. It would also have protected them from predatory ''pay day'' loans. Unfortunately, this amendment was voted down.

For all of these reasons, I intend to vote against this flawed legislation, and I urge my colleagues to do the same.

Mr. LAUTENBERG. Mr. President, we are now into our second week of debate on this bill, but in fact, we have been talking about it for 8 years, since it was originally introduced.

During that time, personal bankruptcies in our Nation have surged, while the profits of credit card companies have soared.

We had an opportunity to pass a good bill that would have curbed real abuses of bankruptcy, while protecting consumers who fall on hard times because of a medical catastrophe, divorce or the loss of a job. Instead, the majority rejected dozens of amendments that would have protected the homes of senior citizens, and required credit card companies to level with consumers about how much they would really pay in interest and penalties.

Now we are left with a bill that punishes consumers and lines the pockets of the credit card companies, a bill that protects the mansions of multi-millionaires who file for bankruptcy protection but makes it easier for landlords to evict tenants from their homes if they are forced into bankruptcy, and, a bill that makes no distinction between a family struck by catastrophic illness, and a spendthrift who maxes out his credit cards on a shopping spree.

I mentioned catastrophic illness because half of all bankruptcies today are the result of medical debts. Most families who are driven into bankruptcy by a medical problem probably think it can never happen to them because they have health insurance. But it can happen to anyone, and it does.

Three-fourths of the people who file for bankruptcy because of medical debts have health insurance when the medical problem begins.

But eventually their insurance runs out or certain treatments are not covered. And the next thing they know, they are facing financial ruin.

Bankruptcy also hits families that have been torn apart by divorce. On Sunday, the Washington Post published a front-page article about this bill.

The article described how a woman who was left alone by her husband to raise three children had fallen behind on her credit card payments. Even though she worked a second job and paid $2,000 a month to the credit card companies, her debt continued to pile up because of exorbitant late fees and interest rates. This woman was almost an indentured servant to her credit card companies, struggling to pay off a debt that could never be satisfied.

This is not an isolated incident. The trend in the credit card industry today was described by one expert as a ''fee feeding frenzy.''

Credit card companies collected almost $15 billion in penalty fees last year—nearly 10 times the $1.7 billion they collected in 1996.

Penalty fees have become so important to the bottom line that some banks refer to customers who pay their bills on time as ''deadbeats,'' because they cannot be hit with exorbitant penalties.

It has become commonplace for credit card companies to jack up the interest rates of customers who are slightly late with their payments—in some cases, by no more than one day.

Credit companies already charge late fees of up to $39 for every late payment. Piling a higher interest rate on top of that late fee is like double jeopardy, and that is not fair to consumers.

There are many reasons why a consumer might be a day or two late in making a credit card payment. Maybe a child got sick and had to see a doctor, and his mom was too busy taking him to the hospital to worry about a credit card payment. Maybe a car broke down, and it had to be fixed so a worker could get to their job. Maybe the mail was a little slow that week.

Whatever the reason, a consumer should not be unfairly and harshly punished for one late payment.

At the very least, credit card companies should give consumers fair warning before hiking their interest rates. If there is a problem, the consumer should have a chance to correct it before their rate can be increased.

But the credit card companies are not interested in fairness. In fact, they actually hope customers will be late with a payment so they can be hit with penalty fees.

To that end, they engage in ''bait and switch'' tactics to lure consumers with low rates, then automatically jack those rates up the first time a payment is a day late.

One example of this is the Capital One Platinum MasterCard.

Customers going to the Capital One Web site to apply for a credit card will find the following ad, which touts ''a great low rate''—an ''8.9 percent fixed APR.''

This ad is pretty prominent. As you can see, the type is large and easy to read, and there is a nice picture.

On an entirely separate Web page, buried in pages of fine print, Capital One discloses that:

All your APRs may increase to a default rate of up to 25.9% ANNUAL PERCENTAGE RATE if you default under this Card Agreement because you fail to make a payment to us when due, you exceed your credit line or your payment is returned for any reason. Default APRs will be effective . . . immediately.

In other words, despite advertising a ''fixed'' rate of 8.9 percent, Capital One can almost triple a customer's rate to a whopping 25.9 percent—just for sending one payment one day late.

The cost of this rate hike to a customer with a balance of $5,000 would be as much as $880 in interest payments over the following year. That is simply too harsh of a penalty for sending one payment one day late.

This is the dire situation in which many consumers find themselves. Even though they make payments every month, and don't charge any new purchases to their credit card, they fall deeper and deeper into debt. Eventually, seeing no other way out, some of these people declare bankruptcy.

Many States have passed laws to protect consumers from unscrupulous penalties and rate increases. Unfortunately, these laws cannot be enforced, as courts have ruled that the banks are bound by the laws of the States where they are located, not where their customers reside.

As a result, credit card companies have flocked to States with weak consumer protections, creating a ''race to the bottom.''

With this bill, we had an opportunity to put a stop to that, and end the unscrupulous gouging of consumers. By giving consumers a chance to correct problems before they were hit with higher interest rates, we could have prevented many bankruptcies. Unfortunately, we have squandered that opportunity.

This bill does nothing to address the roots of the bankruptcy problem in our country today. And it does nothing to help consumers. For that reason, I must vote against S. 256.

Mrs. MURRAY. Mr. President, today I voted against a bankruptcy bill that puts credit card companies and politics ahead of ordinary Americans. Rather than providing balanced reform, this bill punishes those who have fallen on hard times—particularly our military families and those who are struggling under the weight of soaring medical bills.

I have heard from residents across Washington State that the cost of medical care is forcing them into bankruptcy. In fact, a report last summer by the Working for Health Coalition found that half of Washington State bankruptcies were due to rising health care costs. Most of these families are working and more than half have health insurance, but the growing cost of health care is so overwhelming it pushes them into bankruptcy. A national study last month found that 61 percent of bankruptcy filers did not seek the medical care they needed. These families deserve help, but instead this bill punishes them for circumstances beyond their control.

This bill also fails to adequately protect our military families, particularly our Guard and Reserve members. These patriotic families have had to struggle with half their normal income during long—and often extended—deployments. Many have seen their businesses collapse at home while they have served overseas. I have met with Washington State Guard and Reserve families and have seen how they are struggling to meet the financial burdens of long deployments. They deserve a lifeline, not more paperwork, legal fees, and threats from collection agencies. The Senate had an opportunity to protect our soldiers through Senator DURBIN's amendment, but that was rejected for a Republican amendment that falls far short. Our military families deserve better.

If Republicans had been willing to make the bill less punitive toward ordinary Americans, they would have adopted a number of reasonable amendments in committee and on the Senate floor, but they refused. For example, Republicans blocked an amendment that would have protected workers and retirees if their company files for bankruptcy. Republicans also voted down amendments to ensure the elderly don't lose their homes and to discourage predatory lending. And they even failed to protect people who have had their identities stolen by criminals who then run up huge credit card bills. These are all examples of how Republicans are protecting corporate interests at the expense of vulnerable individuals.

This bankruptcy bill also stacks the deck against women and children. For example, this bill will make it harder for single mothers to collect the past-due child support they and their children are owed.

I am also disappointed that the Senate rejected the Schumer amendment, which would have assured that those who commit violent crimes at reproductive-health facilities against women and doctors do not escape paying their debts and fines by declaring bankruptcy.

Looking at the big picture, this bill fits a pattern of Republican proposals that turn the tide against average Americans. Last month, Republicans tipped the scales of justice against working families by limiting their ability to seek compensation for a death or injury caused by a company's negligence. On Monday, Republicans rejected a proposal to raise the minimum wage. Taken together, these actions will make life harder for working families and represent a dangerous trend that threatens average Americans.

In the past, I have voted for bankruptcy reform legislation, but today families find themselves in a much different place financially because of the costs of healthcare and military service. Congress should not punish them for things beyond their control with this unbalanced, unfair bill. American families deserve reform, not retribution.

Mr. LEVIN. Mr. President, I cannot vote for this legislation, although I support bankruptcy reform. It is clear that some people abuse the bankruptcy system. However, this bill would make it more difficult for individuals and families who have suffered genuine medical and financial misfortune to get a fresh start. Nearly half of all of those studied in a recent research effort by Harvard Law School said that illness or medical bills drove them to bankruptcy and nine out of ten have faced health problems, job loss, divorce or separation. A letter to the Chairman and ranking member of the Judiciary Committee, signed by nearly a hundred bipartisan bankruptcy law professors from law schools across the country, said, ''The bill is deeply flawed, and will harm small business, the elderly, and families with children.''

I have in the past supported reasonable bankruptcy legislation. The legislation which is before the Senate today could have been greatly improved by a number of reasonable Democratic amendments which have been offered over the last several days. However, the Republican majority has largely, on a party-line basis, rejected all amendments out of hand.

I am disappointed that we did not add some reasonable flexibility measures to the ''means test.'' The purpose of the means test is to prevent consumers who can afford to repay some of their debts, from abusing the system by filing for chapter 7 bankruptcy. It makes sense to require those who are able to repay their debts to do so. However, there are some situations that warrant an exception to the means test. For example, the Senate defeated an amendment that would have exempted members of the armed services, veterans, and spouses of service members who die while in military service from application of the ''means test'' provisions of the bill. This would have helped them if their family or their business goes into bankruptcy. That amendment was defeated. Further, an amendment offered by Senator KENNEDY that would have exempted from the means test debtors whose severe

medical expenses have caused the financial hardship was also defeated. Senator CORZINE also offered an amendment that would have exempted economically distressed caregivers from the means test, but that amendment was also defeated by a largely party line vote. The Republican majority even rejected Senator NELSON's common sense amendment that would have exempted victims of identity theft from the means test.

Further, the Senate defeated amendments that would have protected the homes of our elderly and people forced into bankruptcy after a medical crisis.

I am also disappointed that the Senate defeated several amendments that would have closed loopholes used by wealthy individuals seeking bankruptcy protection.

The Senate had an opportunity to close an increasingly popular loophole where the very wealthy shield millions of dollars before declaring bankruptcy by setting up so-called asset protection trusts. Senator SCHUMER proposed an amendment to put an end to this abuse of the tax system by limiting the use of these trusts to shield assets only up to $125,000. The amendment was defeated 39 to 56.

The Republicans also rejected an amendment offered by Senator DURBIN to curtail the abusive practices of executives at companies like Enron and WorldCom who received millions of dollars in compensation shortly before the companies filed for bankruptcy protection. The chamber also defeated an amendment proposed by Senator AKAKA that would have provided credit card users with information to assist them in making more informed choices about their credit card use and repayment. This amendment would have helped consumers understand the consequences of their financial decisions, such as making only minimum payments, so that they can avoid the kind of financial pitfalls that lead to bankruptcy. Sadly, this amendment was also rejected.

The Schumer amendment, which in the past has been strongly supported on a bipartisan basis by the Senate, was stripped from the bill this year. The amendment, which provides that debts arising from violence and threats of violence could not be discharged in bankruptcy proceedings, should have been adopted by the Senate.

We do need bankruptcy reform, and I wish that the Senate had taken this opportunity to pass equitable reform. This bill does not achieve that goal and therefore I cannot support it.

Mr. GRASSLEY. Mr. President, I rise to urge my colleagues to vote for final passage of the bankruptcy reform bill. I have been working on this piece of legislation for a long time, and I am pleased to see that we are nearing the end. This bipartisan bill has been maligned by many, and I want to set the record straight. What we are trying to do is fix a bankruptcy system that has gone awry, where individuals who have the ability to repay their debts don't do so, and the rest of us are left holding the bag.

What we have tried to do with this bill is inject some fairness into the system, whereby people who have assets and the ability to repay back their debts go into a chapter 13 repayment plan, and people who do not have any means and no ability to repay go into chapter 7. We've kept the safety net of full chapter 7 bankruptcy discharge for those who truly need it, and channeled others that can pay their creditors into a repayment plan.

This is done through a means test, which is fair and flexible enough to take into account all the unique circumstances a debtor and his family face. The means test takes into account all reasonable and necessary expenses for a debtor and his family. We provide for a court to consider ''special circumstances'', so that a debtor can show that he doesn't have the ability to repay, and should stay in chapter 7. The bill excludes from the means test poor people, those individuals who are below the median income. So if individuals can pay and they really don't have the ability to pay, they will continue to have their debts fully discharged in chapter 7 bankruptcy, while those who do have assets cannot hide them from their creditors and escape repayment.

Let me mention a couple of things this bill does not do. This bill doesn't put the credit card companies first or leaves hard working families out to dry, as some of the bill's detractors have claimed. In fact, the bill helps women and children and improves their situation when someone files for bankruptcy because it provides new priorities and tools so that child support and alimony will be collected before other creditors. We move child support up in priority, up to number one from number seven in line, and that means that they will be paid before a lot of other creditors, including the credit card companies. The bill makes staying current on child support a condition of discharge. We provide that debt discharge in bankruptcy is made conditional upon full payment of past due child support and alimony.

Domestic support obligations are automatically non-dischargeable, without the costs of litigation. The bill also makes payment of child support arrears a condition of plan confirmation. The bill provides better notice and more information to facilitate child support collection, and tracking down deadbeat parents. Further, the bill protects the name of a debtor's minor children from public disclosure in a bankruptcy case.

This bill also doesn't help credit card companies and other lenders take advantage of honest consumers, as some have alleged. In fact, the bankruptcy bill contains some new real and significant consumer protections. The bill requires credit card companies to make new disclosures that benefit customers and prohibits deceptive advertising of low introductory rates. It requires credit card companies to provide key information about how much money people owe and how long it will take to payoff their credit card debt by only making a minimum payment. The bill requires lenders to prominently disclose when late fees will be imposed, the date on which introductory or teaser rates will expire, and what the permanent rate will be after that time. The bill also prohibits lenders from canceling an account because the consumer pays the balance in full each month to avoid finance charges.

The bill also provides that consumers will be given a toll-free number to call where they can get information about how long it will take to payoff their own credit card balances if they only make minimum payments on their balance. This will educate consumers about their financial situations. In addition, the bill allows for more judicial oversight of reaffirmation agreements, to protect consumers from being pressured into onerous agreements.

The bankruptcy bill also includes a debtor's bill of rights to prevent bankruptcy mills from preying upon those who are uninformed of their rights. The bill provides for penalties on creditors who refuse to renegotiate reasonable payment schedules outside of bankruptcy. The bill provides for penalties on creditors who fail to properly credit plan payments in bankruptcy. The bill strengthens enforcement and penalties against abusive creditors for predatory debt collection practices. Finally, the bill contains credit counseling programs to help consumers avoid the cycle of indebtedness.

So with the bankruptcy bill, we've tried to close loopholes in the system and eliminate abuses. We've created new consumer protections. We've made chapter 12 permanent. We've made sure that financial markets are not subject to risk. Although the bill doesn't contain everything I would have liked to include, it is a good start to putting an end to the abuses.

It has been a long haul, but I think we are finally seeing this bill through to the end. And there are many people that I'd like to thank because they've been instrumental in getting us to this point. I've been quite busy lately as chairman of the Finance Committee, working on social security, medicare and tax reform. I take that responsibility very seriously. Because of Finance Committee markup and hearing conflicts, I have had to rely on my colleagues to manage this bill on the floor. But the job has been in very good hands.

In' particular, I appreciate Senator HATCH and the diligence that he has shown towards this bill. On more than one occasion, he made sure that the bankruptcy bill made it through the committee process so that we could have it considered on the floor. He has stepped up to the plate many a time to manage the bill, work on compromises, and keep the engines running. Senator

HATCH is a good friend and colleague, and I respect his perseverance as well as his legal expertise. I'm glad to see that all his hard work during the years has finally come to fruition. Senator HATCH has been a true stalwart through the years, and I thank him for his dedication to bankruptcy reform. I also want to thank his able staff, Perry Barber, Kevin O'Scanlin and Bruce Artim for all their help on this bill.

I especially want to thank Senator SESSIONS for being a tireless champion of bankruptcy reform here in the Senate. I have relied on his intellect and legal prowess for the last eight years that we've been working on this bill. I believe that Senator SESSIONS has brought a unique perspective to the bankruptcy bill with his dedication to eliminating abuses in the bankruptcy process. He is a firm believer that if you borrow money, you have to pay it back. So I truly am thankful for all the work that Senator SESSIONS has done, especially in managing this bill on the floor. He is one sharp lawyer, and I am honored to have him as my friend. I also want to thank his staff for their excellent work, in particular his talented Chief Counsel William Smith, Cindy Hayden, Amy Blankenship and Wendy Fleming.

I want to thank Chairman SPECTER for placing this bill at the top of the agenda in the Judiciary Committee, and for moving it so quickly and ably in this Congress. His staff, Harold Kim, Mike O'Neill, Ivy Johnson, Hannibal Kemmerer, Tim Strachan, Brendan Dunn and Ryan Triplette have been extremely helpful in getting the job done. I want to thank Majority Leader FRIST and his staff, Allen Hicks, Eric Ueland, Sharon Soderstrom and Dave Schiappa, as well as Senator MCCONNELL and his staff, John Abegg, Kyle Simmons, Malloy McDaniel and Brian Lewis.

I would be remiss if I didn't thank our friends on the House side, and in particular Chairman SENSENBRENNER and his staff, Phil Kiko, Susan Jensen and Ray Smietanka. Chairman SENSENBRENNER has really been a leader on bankruptcy reform, and a true driving force behind this legislation. I look forward to additional collaborations with him.

In addition, I want to thank Senator CARPER, Senator NELSON, Senator BIDEN and Senator JOHNSON. This is truly a bipartisan bill, and it couldn't have gotten done without their help.

Finally, I thank my own staff, my Finance Committee Chief of Staff and Legislative Director Kolan Davis and my Judiciary Committee Chief Counsel Rita Lari Jochum, for their hard work on the bill. I also want to thank my former staffer John McMickle, for his expertise and advice on this important piece of legislation. Good staff is hard to find, and I am proud to say that my staff is probably the best in town.

Mr. NELSON of Nebraska. Mr. President, today, I am pleased to see the passage of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. This bill has been under consideration in Congress since before I was elected to the Senate. Since my arrival, I have been a proponent of the goals it strives to attain to ensure that abuse of America's bankruptcy laws is curtailed and that Americans who find themselves in unanticipated financial duress and have legitimate reasons to seek bankruptcy protections will have the opportunity to do so.

The goal of the bill is to prevent certain abuses of the bankruptcy system. It includes more than five hundred pages of new and reformed law, but key provisions include the following.

First and foremost, the bill will curb abuse of the bankruptcy system by implementing a means test to ensure that those who can afford to repay some portion of their unsecured debts are required to do so. Bankruptcy petitioners with relatively high incomes could be required to file under chapter 13 instead of chapter 7, and repay some of their debt out of future income. The means test takes into account the petitioner's income, debt burden, and allowable living expenses, which can vary significantly according to the debtor's place of residence and particular circumstances. Filers who cannot afford to repay at least $6,000 will be given unfettered access to chapter 7 liquidation proceedings.

The bill has a safeguard that will allow judges to consider extenuating circumstances in each bankruptcy case. After determining this means test calculation, the judge can then take any ''special circumstances'' into consideration before making a decision to shift the debtor into chapter 13. This will allow judges to consider cases where catastrophic illnesses or other unexpected financial calamities that have impacted a family or individual to the point where their debts are too heavy a load to carry. This provision made many of the amendments considered on this bill redundant.

The bill implements an important safeguard for family farmers by making permanent the extension of chapter 12 bankruptcy rules. Chapter 12 has expired every year, necessitating the need for an extension. Last year, Senator GRASSLEY and I worked in a bipartisan fashion to secure the chapter 12 extension. The bill also bumps the exemption level for family farmers from $1.5 million to nearly $3.24 million, which will be adjusted periodically for inflation.

The bill includes an important provision to safeguard our children. It contains provisions that strengthen the ability of women and children to collect child support and marital dissolution obligations. This provision will enable some families to continue to provide for the needs of their children.

Consumers also benefit from protection measures in this bill. By requiring new minimum payment and introductory rate disclosures for credit cards, consumers will be protected from surprise fees and unexpected rate fluctuation. It also contains a 'debtor's bill of rights' requiring that bankruptcy attorneys and petition preparers disclose their services and fees for those services to consumers.

It is important to note that no American will be denied access to the bankruptcy system under these reforms. However, those trying to shield their assets while abandoning their financial responsibilities will find it much more difficult to abuse the system and leave their debts for other Americans to cover through higher interest rates and fees.

As I mentioned earlier, there were many amendments to this bill offered for consideration. As I considered each of these amendments, I measured the intended impact of each amendment on the bill. In voting against many of the amendments I did so knowing that the groups of individuals singled out by the amendments, such as veterans, individuals with chronic health problems, or military personnel, were already adequately protected in the underlying bill.

I carefully considered each amendment offered to the bill on a case by case basis to determine if the amendment improved the bill. Because I believe the bill already covered most of the issues presented in the amendments, it was my determination than many of the amendments did not improve the bill and thus, I voted against them.

Again, this bill includes a safeguard for judges to consider ''special circumstances'' like medical bills, deployment to war and other circumstances. In addition to this safeguard, I supported an amendment to the bill that clarified the circumstances that might be considered by a judge. That language provided specific examples a judge might consider including ''a serious medical condition or a call to order to active duty in the armed forces.'' I voted for this amendment because it provided an improvement, in the form of clarity on special circumstances.

It is important that creditors, retailers, and small businesses who in good faith provide people with credit do not bare the brunt of the cost when debtors find themselves unable to pay. It is also critical that we protect consumers who have found themselves in unanticipated situations where their inability to meet their debts is beyond their control. And it is important to safeguard consumers against predatory lending practices.

I worked hard to find the correct balance among these competing goals on this bill and feel that the Senate did a good job in accomplishing that overriding principal. I am pleased to support this bill because I believe it provides needed improvements to our bankruptcy protection laws that will benefit every American.

Mr. AKAKA. Mr. President, I am in opposition to the bankruptcy legislation.

The financial services industry has become increasingly complex with new technology, products, and services. However, this dated legislation has not had significant changes made to it since the 107th Congress.

Predatory lending has surged since the initial development of this bankruptcy legislation. In the early 1990s, there were fewer than 200 payday lenders nationwide. Now, there are more than 20,000. Payday lenders made 100 million loans in 2003. These loans represent more than $40 billion. Most alarmingly, according to the Consumer Federation of America, interest rates on these loans begin at 390 percent.

Yet, Congress has failed to act to prevent the exploitation of working families that are short on cash due to unexpected medical expenses or other needs. I am afraid that the passage of this legislation will further reduce the risk for predatory lenders, and as a result, they will aggressively market their products even more. We must act to protect consumers from these unscrupulous lenders. I remain committed to restricting all forms of predatory lending, including payday loans, and to providing consumers with alternative affordable short-term loans.

Access to credit has increased significantly and household debt has skyrocketed as a result. Revolving debt, mostly compromised of credit card debt, has risen from $54 billion in January 1980 to more than $780 billion in November 2004. A U.S. Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt. This legislation tightens the grip that creditors have on consumers, but it fails to restrict the aggressive marketing practices of credit card companies.

In addition, this bankruptcy bill fails to provide adequate, timely, and meaningful disclosures for consumers. As we make it more difficult for consumers to discharge their debts in bankruptcy, we have a responsibility to provide additional information so that consumers can make better informed decisions. S. 256 includes a requirement that credit card issuers provide a generic warning about the consequences of only making the minimum payment. This provision fails to provide the detailed information for consumers on their billing statements that my amendment would have provided. My amendment would have given consumers the detailed personalized information necessary for them to make better informed choices about their credit card use and repayment. It would have required companies to inform consumers of how many years and months it would take to repay their entire balance and the total cost in interest and principal, if the consumer makes only the minimum payment. The amendment would also have required consumers to be provided with the amount they need to pay to eliminate their outstanding balance within 36 months. Finally, my amendment would have required that creditors establish a toll-free number so that consumers can access trustworthy credit counselors. Unfortunately, this amendment was defeated.

I appreciate the willingness of the Chairman of the Banking Committee, Senator SHELBY, to continue to work with me on this very important consumer awareness issue.

I also proposed an amendment that would have required credit card companies to make concessions to individuals in debt management plans so that credit counseling could be a viable alternative to bankruptcy. Unfortunately, that amendment was also defeated.

I fear that this bill will end up significantly harming families that have suffered financially due to illnesses, the loss of a job, or the death of a loved one. I supported other reasonable amendments intended to protect low-income families, the elderly, and other vulnerable populations from this overly restrictive legislation. However, these amendments also failed.

Instead of making improvements to the legislation, an old, outdated bill has been approved by the Senate. It is low-income working families that will be hardest hit by this anti-consumer legislation. After passage of this legislation, we will need to take additional steps to prevent further exploitation of consumers by unscrupulous lenders and to improve relevant and useful information about credit to consumers. I will continue to fight to protect working families from predatory lenders and overly aggressive creditors.

Mr. KERRY. Mr. President, I strongly believe that reform of our bankruptcy laws is necessary. Too often, bankruptcy is used as an economic tool to avoid responsibility for unsound decisions and reckless spending.

Last year Americans paid interest on about $690 billion in revolving debt. Most of that debt is credit card debt. According to a Consumer Federation of America study, the average household carries between $10,000 and $12,000 in credit card debt and has nine credit cards. Consumers pay an average interest rate of 12.4 percent or approximately $85 billion annually in credit card debt interest.

Let me point out that during both the 105th and 106th Congress, I supported legislation to reform bankruptcy laws and end the abuse of the system.

However, I am unable to support the Bankruptcy Reform Act before us today because I believe it is unfair and unbalanced, does far too little to help consumers and curb creditor abuses, and includes an inflexible ''means test'' that will harm many debtors who are genuinely in need of the protections and the ''fresh start'' that bankruptcy is intended to provide.

The Bankruptcy Code currently offers two alternatives for individuals: chapter 7, under which a debtor's assets are sold and the proceeds are divided among creditors, and chapter 13, under which debtors who have a regular income develop a repayment plan for a portion of the debt. In many cases, debtors filing under chapter 13 repay a greater proportion of their debt than those filing under chapter 7.

The Bankruptcy Reform bill creates a ''means test'' that will make it more difficult for individuals earning above the median income level to erase debts under chapter 7, forcing them to file under chapter 13, which would require them to repay a greater portion of their debt. I believe that those who can afford to repay a greater portion of their debts during the bankruptcy process should be required to do so.

A narrowly targeted reform bill designed to reduce abuse of the system would provide bankruptcy judges with the discretion to dismiss or convert a case to chapter 7, but would not mandate it. It would have provided creditors the opportunity to ask for a dismissal or conversion without putting the burden on every filer to prove that he or she deserves the protections of chapter 7.

However, the ''means test'' included in the bill is inflexible, and it provides no room for a bankruptcy judge to determine whether the circumstances that led to the debtor's financial situation warrant treatment under chapter 7. A parent with a sick child bankrupted by medical bills is treated the same way as a reckless spender who ran up debt on luxury items. That's simply not right.

Again and again, Senators offered amendments that sought to increase the flexibility of the ''means test'' and offered other changes to improve many aspects of this legislation. Unfortunately, in almost every case, these amendments were defeated.

The Senate voted against giving any relief to families forced into bankruptcy by devastating health care costs. One million men and women each year turn to bankruptcy protections in the aftermath of a serious medical problem—and three-quarters of them have health insurance. Senator KENNEDY offered amendments to exempt from the means test debtors who have incurred large medical expenses and other reasonable considerations. Both his amendments were defeated.

The Senate voted against relief for children caught up in their parents' bankruptcy. And it voted against relief to help military families who are struggling with the burdens in Iraq and around the world.

The Senate defeated critical consumer protections that would simply give consumers more information and might help end some of the abusive and deceptive practices of some credit card companies. The industry pushes out an incredible 5 billion solicitations every year. Under current regulations companies can change interest rates at almost any time. They market aggressively and, I believe for some, deceptively. Only last year, the Office of the

Comptroller of the Currency issued an advisory letter warning national banks that engaged in deceptive credit card marketing and account management practices that they would face compliance and reputation risks.

Remarkably the bill does protect the wealthiest Americans by allowing them to continue hiding their assets from creditors during bankruptcy and never making good on their debt. Senator SCHUMER offered an amendment to eliminate and end this abuse, and it was defeated. And it does not stop corporate executives from looting their companies and leaving workers, stockholders, and creditors holding the bag. How can we target middle-class families and ignore the wealthiest Americans as they hide their assets?

This bill is needlessly punitive to families. It is as if we have gone out of our way to harm and not help them. For example, when a debtor receives a bankruptcy discharge, the legislation sets up new classes of nondischargeable debt that will compete for payment along with child and family support. Senator DODD offered an amendment to enable parents to better meet the needs of their children during bankruptcy. Unfortunately, it was defeated. The credit card companies beat the kids on that vote.

This bill is not only detrimental to consumers, but it also hurts our small businesses. This effort to reform our bankruptcy laws will make it more difficult for entrepreneurs to start a small business and imposes additional regulations and reporting requirements on small businesses who file for bankruptcy.

I believe we must do everything possible to ensure the viability of small businesses and to assist in fostering entrepreneurship in our economy. Regulatory and procedural burdens should be lowered for small business wherever possible. However, the bill fails to meet this challenge. Instead, this legislation promotes additional red tape and a government bureaucracy. It imposes new technical and burdensome reporting requirements that are more stringent on small businesses that file for bankruptcy than they are on big business. Further, the bill will provide creditors with greatly enhanced powers to force small businesses to liquidate their assets.

Any big business would have difficulty complying with these new burdensome reporting requirements. But think of the difficulties an entrepreneur or a mom-and-pop grocery store will have in complying with this dizzying array of new and complex requirements. These small businesses are the most likely to need, but least likely to be able to afford, the assistance of a lawyer or an accountant to comply with these new requirements. I cosponsored an amendment offered by Senator FEINGOLD to strike many of the small business provisions in the bill because they would increase reporting requirements on small businesses and make it easier for creditors to force liquidations of small business during the bankruptcy process. Unfortunately, that amendment was not adopted.

I am pleased that an amendment sponsored by Senator COLLINS and myself which will extend chapter 12 bankruptcy protections to our family fishermen, has been included in the bill. The small, family-owned fishing businesses are in serious trouble. We are making progress in rebuilding stocks; however, the cost of this progress has been carried by fishermen working Georges Bank and the Gulf of Maine. The Collins-Kerry amendment will help ensure that fishermen have the flexibility under chapter 12 of the Bankruptcy Code to wait out the rebuilding of our commercial fish stocks without back tracking on our conservation gains to date. It will help preserve the rich New England fishing heritage in Massachusetts.

Despite some provisions, which I do believe improve the system, overall this bill does not provide bankruptcy reform. Inexcusably, this bill helps creditors without helping consumers. It will let the very rich continue to hide money in homes and trusts. It gives no relief to families hit by medical bills or other financial hardship. It even puts credit card companies ahead of children when debt is allocated to creditors. I will vote no.

Mr. SESSIONS. Mr. President, today, for me, marks the culmination of 8 long years of hard work, and I am glad we have finally reached this point, where we will not only pass this bill, but the House will do so as well and the President will sign it into law. I believe that we have eliminated some abuses with this bill. I wish we could have accomplished more, but we could not let the perfect be the enemy of the good. Let me say to my colleagues, that there are some issues like homestead and asset trusts that will come back, and I look forward to working on those, but make not mistake about it, this is a good bill and I am excited to see it pass.

The policy questions we have been addressing are these:

(1) whether bankruptcy is a necessary and permitted way to recover from overburdening debt; and

(2) when is bankruptcy being abused and used as an escape valve for individuals capable of repaying some, if not all, of their debt.

The goal of this bill has never been to create additional burdens for those who have over-extended themselves for one reason or another, but to help them achieve financial responsibility after bankruptcy, so that they can avoid similar setbacks in the future.

It is clear to me that when you have statements from debtors that they are using bankruptcy to ''[take] advantage of one of the opportunities the Government offers,'' that the responsibility for slowing down the 1.6 millions consumer bankruptcy filings per year lies with Congress.

As we approached this bill, our goal was not to punish those who legitimately need the fresh start that bankruptcy offers. However, our goal was to disallow people from filing bankruptcy simply for the sake of taking advantage of a financial opportunity provided by the government. People who can afford to pay all or a part of their debts over a limited period of time should not get off Scot free.

Let me just for a moment, talk about the concept of bankruptcy. The term derived from the medieval Italian phrase ''broken bench.'' Merchants would sell their wares in the marketplace from benches. If the merchant ever reached a point where he could not pay his debts, his creditors would seize all of his wares and divide it among themselves. They did not stop with the seizing of wares, however. The creditors would break the merchants' bench, to bankrupt the merchant from reopening.

Our goal under this legislation was not and we did not ''break the bench.'' Instead of trying to prevent merchants or individuals from having a second opportunity, we accomplished just the opposite. People who need a fresh start under this bill will get one. The people who can pay some of their debts back will have to do that. Let me just highlight a few of the benefits in this bill.

First, S. 256 requires that individuals receive credit counseling prior to filing for bankruptcy. This counseling will help an individual decide if bankruptcy is the appropriate mechanism to remove debt and will help the individual understand what filing bankruptcy actually means. In many instances, the deceptive and fraudulent advertising practices of bankruptcy mills lure consumers into bankruptcy unnecessarily. Debtors should know that there are many ways to get back on their feet financially—such as entering into voluntary repayment arrangements.

To curb the practice of preying upon debtors, S. 256 establishes the Debtor's Bill of Rights. The Bill of Rights requires that debt relief organizations disclose the nature of the services they offer, explain the alternatives to filing bankruptcy, disclose the rights and obligations of debtors who file for bankruptcy, and explain the consequences of filing for bankruptcy.

Second, S. 256 establishes a means test to help determine whether people are capable of paying back a meaningful portion of their debts. This test might help the debtor avoid a Chapter 7 filing, where creditors will liquidate the individuals assets and where the debtor will have a very hard time getting creditors to extend credit to them in the future. If a debtor files under Chapter 13 and learns how to manage money under a structured repayment plan that requires some discipline, the debtor learns financial responsibility and should be able to avoid future financial turmoil. Chapter 13 bankruptcies allow debtors to keep their assets and pay back a portion of their

debts over a 5 year period. In exchange, the remaining portions of their debt are discharged and the debtor gets a fresh start.

Third, S. 256 creates new protections for consumers, especially in the area of credit cards. We require credit card companies to disclose the dangers of making only a minimum payment and we prohibit deceptive practices like advertising low introductory rates—rates used to bait and switch the credit card holder. We also require that a toll-free number be provided to consumers, where they can obtain information on how long it will take to payoff their credit card balances.

The consumer benefits of this bill are enormous. Instead of breaking the bench, this bill promotes financial responsibility. The bill vastly improves the current situation in bankruptcy for certain categories of individuals. For example, it provides special benefits to women and children, through child support and alimony, and provides parents the ability to deduct expenses such as school tuition. Make no mistake about it, while the bill provides some increased protection for unsecured creditors, it provides more protection for consumers. Logically, there is absolutely no reason to oppose it.

Mr. President, over time, many people have worked on this bill, and I would just like to take a moment to express my appreciation for their work.

First, it has been an honor to work closely with Senators GRASSLEY and HATCH to make this legislation a reality. I appreciate both of them so much and I believe they both have done yeomen's work on this bill. I thank Senator FRIST for making this bill one of his top priorities and I appreciate the leadership of Senator MCCONNELL.

I think it is appropriate that we take just a moment to express appreciation to some people who gave extraordinary effort to make this successful conclusion.

First, I note that in my office it has taken three chief counsels to get through this bill. I appreciate the hard work of Kristi Lee, my first Chief Counsel and currently a magistrate judge in the Southern District of Alabama. She did an outstanding job on this bill during the first years that this legislation was in the Senate. I also appreciate the work of my former Chief Counsel Ed Haden, who is currently doing appellate litigation at one of Alabama's outstanding law firms, Balch and Bingham. While I also appreciate the work of my current Chief Counsel, William Smith, and legislative counsels Amy Blankenship and Wendy Fleming for their efforts in this endeavor, my Deputy Chief Counsel Cindy Hayden has really given an extraordinary effort on this bill.

These fine staffers have worked night and day for two weeks to guide this bill to passage. William Smith has given every ounce of his strength to successful passage. He deserves particular praise.

Additionally, I appreciate the work of Lloyd Peeples, a former counsel of mine who has clerked for a bankruptcy judge and now serves as an AUSA in the Northern District of Alabama. He provided invaluable assistance on this bill.

Sean Costello, a former counsel of mine who now works for the Office of Justice Programs at the Department of Justice, provided outstanding work to help make this bill a reality.

Brad Harris, a former counsel of mine who now works for the Burr and Forman firm in Birmingham, never failed in working long hours and providing key assistance in seeing this bill through.

And finally, Brent Herrin, my former counsel who worked hard on cram down and other issues, did outstanding work. Brent practices tax law for the Deloitte Touche firm in Atlanta.

For eight years, these lawyers have all worked on this legislation. I know they are happy to see it come to a conclusion. I am too.

In the past I have thanked the former staffers from other offices that have worked on this bill, I will not name them individually today, save John McMickle who served Senator GRASSLEY and played a major role in helping to craft this bill. John believes in the underlying principles in this bill and I appreciate his work.

I also want to thank Rita Lari Jochum, Senator GRASSLEY's current Chief Counsel. I have seen very few staffers with her drive and dedication and she is to be commended for her efforts on this bill. Her good demeanor has been a source of calm in the storm.

I appreciate the work Perry Barber, Brendan Dunn, Kevin O'Scannlain, and Bruce Artim of Senator HATCH's staff, and the work of Harold Kim, Ivy Johnson, Tim Strachman, Mike O'Neill, Hannibal Kemmerer and Ryan Triplette of Senator SPECTER's staff.

I must also thank Dave Schiappa, Allen Hicks, Eric Ueland, Sharon Soderstrom, John Abegg, Kyle Simmons, Malloy McDaniel and Brian Lewis from the Leadership staffs of Senators FRIST and MCCONNELL, all who have provided tremendous assistance along the way in shaping this bill into its final form.

Mr. President, I also want to thank Chairman SENSENBRENNER and his staff for their remarkable work in getting this bill done. Phil Kilko and Susan Jensen did outstanding work on this bill.

I thank the senior Senator from Alabama, Senator SHELBY, for his work on this bill. He guarded his banking jurisdiction like a roaring lion.

This is a great day, Mr. President. I thank the Chair and yield the floor.

Mr. FRIST. Mr. President, the Senate will soon vote on final passage of the bankruptcy reform bill. This bill constitutes the most sweeping overhaul of bankruptcy law in 25 years. Like class action, bankruptcy reform curbs abuse of the legal system. I am hopeful that it will pass with a strong bipartisan vote.

Bankruptcy reform has long been in the works. Similar bills have passed the Senate in the 105th, the 106th, and 107th Congresses. Today, in the 109th we will finally deliver a package that restores fairness and personal responsibility to the bankruptcy system.

The House has agreed to take up the legislation, pass it quickly, and send it to the President for his signature.

I thank my colleagues for their hard work and leadership. In particular, I would like to thank: Senator MCCONNELL, a good friend and counselor, who has made sure that we have the votes on every amendment and who has helped secure final passage; Senator GRASSLEY, the bill's lead sponsor, who has been a tireless advocate for bankruptcy reform for nearly a decade; Chairman SPECTER, who skillfully led the bill through Committee; Senator HATCH, who, as a floor manager, has led on the substance of each and every amendment; and Senator SESSIONS, who has led debate on the floor again and again, and who lent his expertise to explain the finer points of the law.

Like class action, the bankruptcy reform bill is another example of bipartisan cooperation. Nearly every vote on every amendment has been bipartisan. Our work has been a great example of how thoughtful, bipartisan negotiation can deliver meaningful solutions for the American people.

America has always been a place for second chances. As Americans, we value innovation, reinvention and risk taking. It's part of our national DNA, part of why we are so spectacularly successful. It's also why America has long supported generous bankruptcy law. We recognize that sometimes people get in over their head, or are hit with an unexpected set back, and they need a fresh start, a second chance.

Congress has passed, and courts have upheld, Federal bankruptcy laws for over 100 years. The Constitution gives Congress the express power to ''establish uniform laws on the subject of bankruptcies throughout the United States.''

As the Supreme Court has stated, ''One of the primary purposes of the Bankruptcy Act is to give debtors a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt.''

Unfortunately, however, the system has veered away from its original positive intent. In the past two decades, bankruptcies have skyrocketed—actually accelerating during the economic boom years of the 80's and 90's.

Last year, we reached an historic high of over 1.6 million filings per year. The total number of bankruptcies more than doubled during the 1980's and then doubled again from 1990 to 2003. Personal bankruptcies outnumber business bankruptcies by a multiple of more than 45.

We all pay the price for these bankruptcy filings. Every bill you and I pay

includes a hidden ''bankruptcy tax'' of $400 per year per household. That tax is figured into in every phone bill, electrical bill, mortgage payment, furniture purchase, or car loan we pay.

For many people, bankruptcy has become a first step rather than a last resort. Opportunistic debtors who have the means to repay use the law to evade personal responsibility. In some cases, they even plan their bankruptcy, buying a mortgage and running up credit cards and then declaring they're broke.

With this bill, we are putting an end to the abuse. Wealthy debtors who have the means to pay some, or all, of their debt will be required to do so.

The bankruptcy bill establishes a means test based on a simple, fair principle: those who have the means should repay their debts. The legislation specifically exempts from consideration anyone who earns less than the median income in their state. It allows every filer to show ''special circumstances'' if they cannot handle a repayment plan.

And it makes clear that active duty military, low income Veterans, and debtors with serious medical conditions are protected by these safe harbor provisions.

But for those individuals who are abusing the system, they will no longer be able to hide behind the law. Nor will they be able to duck their family responsibilities. These new reforms make child support a high priority.

Most people who get into financial trouble want to do the right thing. They want to make good on their obligations and pay what they owe. But they are in over their head and need a fresh start. This legislation will not affect the vast majority of these filers. What it will do is close loopholes that have let unscrupulous debtors slip through.

Today's impending vote is a victory for fairness, compassion and common sense. It took eight years, but we are finally here.

I applaud my colleagues for their leadership. Together with class action reform, we are returning fairness and common sense to the legal system.

When the legal system gets off track, it affects us all, consumers, creators, and innovators alike. Jobs are lost. Prices go up. We pay in big and small ways. By reforming the system, we strengthen our ability to grow. We keep America moving forward.

I look forward to tackling other lawsuit abuse issues including gun manufacturer liability, medical liability, and asbestos reform. I am hopeful that we will continue to work together delivering meaningful solutions to the American people.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—74

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Biden	Frist	Reid
Bingaman	Graham	Roberts
Bond	Grassley	Salazar
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Burr	Hutchison	Smith
Byrd	Inhofe	Snowe
Carper	Inouye	Specter
Chafee	Isakson	Stabenow
Chambliss	Jeffords	Stevens
Coburn	Johnson	Sununu
Cochran	Kohl	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Thune
Conrad	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NAYS—25

Akaka	Feinstein	Murray
Boxer	Harkin	Obama
Cantwell	Kennedy	Reed
Corzine	Kerry	Rockefeller
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Dorgan	Levin	Wyden
Durbin	Lieberman	
Feingold	Mikulski	

NOT VOTING—1

Clinton

The bill (S. 256), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HATCH. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I rise for two purposes. The first is to draw attention to a recent program at the Supreme Court on the work of Justice Robert Jackson and Thomas Dodd, the father of Senator CHRISTOPHER J. DODD, dealing with the International Military Tribunals at Nuremberg. I was happy to read the remarks of my colleague, Senator DODD, at the event, and I was interested to find that many of the conclusions he draws from his father's experiences remain essential to our conduct of international justice today—and, unfortunately, they are all too often forgotten.

I would first echo the remarks made by Senator DODD and salute the extraordinary work performed by Justice Robert Jackson and Thomas Dodd in their roles as the U.S. Chief Prosecutor and Deputy Prosecutor, respectively, at Nuremberg over 50 years ago.

The Nuremberg Tribunal taught us many lessons: that even in the depths of war, justice is not blind; that those who practice terror, oppression, hatred, and mass murder will be punished. Perhaps equally important, however, was the notion that they should also be afforded a trial. Indeed, the United States committed itself to overcoming the passions of the moment and reaffirming the rule of law. I believe this action set an important precedent that is still applicable today.

Critically, the Tribunal also helped record the horrific crimes of the Nazi regime so the whole world would see the brutality and understand the depravity of those unimaginable acts.

Unfortunately, crimes against humanity have occurred since the Nuremberg Tribunals, and they continue to occur today in places such as Darfur in Sudan. I believe that it is again necessary to remind ourselves of the important lessons learned over 50 years ago when Justice Robert Jackson and then Thomas Dodd—soon to be Senator Thomas Dodd—brought before the world the evidence of Nazi atrocities and said, ''This cannot stand.''

I ask unanimous consent that the remarks of Senator DODD at the Supreme Court on February 15, 2005, entitled, ''Justice Served, Lessons Learned: Robert Jackson, Thomas Dodd and the Nuremberg Trials,'' be printed in the RECORD following my comments here today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, I encourage my colleagues to take the time to read this speech and consider this important message and its application today.

EXHIBIT 1

JUSTICE SERVED, LESSONS LEARNED: ROBERT JACKSON, THOMAS DODD, AND THE NUREMBERG TRIALS

It's a privilege to be with you in the Supreme Court Chamber, where cases that have changed the course of our nation's history have been argued and decided.

As a United States Senator, it's not often that I make my way across the street to this building and to this branch of government.

Two years ago, I was here to observe oral argument in Nevada Department of Human Resources v. Hibbs. That case considered the constitutionality of the Family and Medical Leave Act. I was interested because I authored the Family and Medical Leave Act in the Senate.

The bill had survived two Presidential vetoes and had taken seven years to become law. But in this institution, these facts were of little consequence. Nothing is quite as humbling as Justices deciding whether or not to strike down a law you labored over for years. I was relieved when the Court, by a margin of 6 to 3, upheld the Act.

But that visit, and others I've made over the years, prompted me to think about the differences between the Senate and the Supreme Court.

Senators show up to work in suits; Justices wear robes.

Senators are under the constant scrutiny of television cameras; Justices have somehow managed to keep them out of this Chamber.

And, of course, Senators have to run for reelection every six years; Justices of the Supreme Court have the best job security in the world.

So it's understandable why no fewer than 13 United States Senators later served on the Supreme Court. That number includes three Chief Justices—Salmon Portland Chase, Edward Douglass White, and Oliver Ellsworth of Connecticut.

I tried to comfort myself by finding what I assumed would be an equally long list of Justices who resigned their seats on the Court for the honor and privilege of serving in the U.S. Senate. But that list was exactly one name long.

That lone individual, I discovered, was David Davis, U.S. Supreme Court Justice, and later Senator from Illinois. He was appointed to the Court by Abraham Lincoln in 1862, and served here for 15 years before resigning in 1877 when he was elected a Senator by the Illinois state legislature.

It should be noted, though, that the U.S. Senate wasn't his first choice. He was a candidate for the presidential nomination five years earlier in 1872. He sought the nomination of what was then known as the ''Liberal Republican'' party. Some might suggest it was that characteristic that would make him most unique today.

I'd like to recognize, of course, Justice Souter, who has joined us this evening. And though he isn't here today, I'd also like to recognize Chief Justice Rehnquist.

Justice Rehnquist is a wonderful student of history who has done so much to educate our nation and the world about this unique institution. And as I'm sure many of you know, from 1952 to 1953 he served as a law clerk for Justice Robert Jackson.

Last month I had the honor of participating in the inauguration of President Bush. I don't think anyone watching the ceremony on that day could fail to be moved by the courage and fortitude displayed by Chief Justice Rehnquist. I think I speak for everyone here, and countless others, as well, in wishing him well this evening.

I'd like to thank Barrett Prettyman of the Supreme Court Historical Society for his kind introduction, and I'd like to thank Professor John Barrett for his historical notes as well.

I'd also like to thank Greg Peterson of the Robert H. Jackson Center for his remarks, and for the invitation to speak to you this evening. And I'd like to welcome members of the Jackson family who have joined us this evening.

If Nuremberg was the most profound experience that influenced my father's life, there were few individuals whose words and ideas carried greater weight with my father than those of Robert H. Jackson.

Justice Jackson was truly an extraordinary man whose life's journey took him from a farmhouse in upstate New York, to the U.S. Department of Justice, where he served as Solicitor General and Attorney General, to the Supreme Court, to a courtroom in Nuremberg, Germany. Following Nuremberg, he returned to this very chamber where, less than five months before he passed away, he and his eight colleagues voted to end racial segregation in schools across our land.

Robert Jackson graduated from neither college nor law school.

And prior to his appointment to the Supreme Court, he had never served as a judge. Yet he became one of the most respected jurists of his time, one known for his thoughtfulness, his fairness, his courage, and his eloquently-written opinions. He was an ardent defender of the freedoms articulated in our nation's Bill of Rights.

Of particular relevance today, Justice Jackson defended these freedoms even during times of war, and even when he was at odds with many of his fellow justices. He was one of only three justices to dissent in Korematsu v. United States, which allowed the detention of Japanese-Americans in internment camps during World War II—a decision we now regard as a stain on our nation's historical commitment to freedom and justice.

Most of all, Justice Jackson was committed to promoting and enforcing the rule of law, not only here in the United States but around the globe, as well.

Having witnessed the horrors of Nazi Germany, he had a deep and abiding belief that the law is humanity's strongest and noblest weapon against tyranny and oppression.

We gather here this evening two days after the 113th anniversary of Justice Jackson's birth, and just a few months after the 50th anniversary of his passing on October 9, 1954.

It's fitting, as well, that we assemble here two weeks after the 60th anniversary of the liberation of Auschwitz.

More than any other events, the liberation of Auschwitz and the Nuremberg trials were the two events that laid bare before the entire world the horrors committed by the Nazi regime.

At liberation, the Western world saw, for the very first time, the gas chambers, the cattle cars, and the crematoria. They saw gruesome piles of corpses, and the emaciated few who had survived the largest and deadliest of Hitler's death camps. At Nuremberg, the war and the Final Solution were painstakingly and meticulously documented and recorded so the existence of these horrific events would never, ever be in doubt.

With each passing day, there remain fewer and fewer of those who can personally bear witness to the atrocities of the Nazi regime. As a result, our generation's responsibility becomes even greater—to ensure that the lessons we learned six decades ago do not fade away into the mist of history.

This responsibility was one that my father took very, very seriously—and it was reflected in how he raised his six children. From a very early age, he would tell us about Adolf Hitler and Heinrich Himmler, and describe places like Auschwitz, Buchenwald, and Dachau.

My father believed firmly that the value of the Nuremberg experience would not only be in the individual sentences meted out to the named defendants—but, in a larger sense, in the legacy the trial would leave to future generations.

In hindsight, some might think it was inevitable that nations like ours would judge criminals like the Nazis according to the rule of law. In reality, there was great debate, both here in the United States and among our allies, over how to handle the Nazi leaders.

We know today that as many as four Supreme Court Justices, and many others including the powerful Senator from Ohio, Robert Taft, felt that the trials at Nuremberg would be a case of ex post facto judgment, and would therefore be illegal under our own Constitution. The Chief Justice at the time, Harlan Stone, called Nuremberg a ''high-grade lynching party.''

A great many in our nation and around the world advocated a different treatment for captured Nazi officials—one that had long been practiced by nations victorious in war: summary execution. Winston Churchill was said to have supported such a policy.

Why, so the argument went, should we show any mercy to these criminals—men who were responsible for the ruthless slaughter of six million Jews, and five million other innocent men, women, and children?

Men who razed to the ground entire villages and towns and massacred those who lived in them.

Men who launched an aggressive war that eventually claimed over 54 million lives, and turned the European continent into a mass graveyard.

The argument was a compelling one. But a different one would win the day. That case was the one advocated by men like Justice Robert Jackson and a young lawyer named Thomas Dodd. These two and others believed that the best way to judge these crimes against humanity, and to deter future crimes, would be a fair, legal trial.

They insisted on the rule of law, rather than the rule of the mob.

And so in the summer of 1945, Justice Jackson assembled not a team of executioners, but a team of legal professionals who would meticulously use the Nazis' own documents, records, and testimony to prove their guilt. My father was one of the men he chose to be on that team.

During his fifteen months at Nuremberg, my father wrote daily letters to my mother. These beautifully written letters always began with the words ''Grace, my dearest one.'' They fill up this volume I hold in my hand—and a second volume of equal length.

I had no idea that these letters even existed until the early 1990's. Before reading these letters I, arranged them in chronological order. I finally completed this long process in the summer of 1995.

Without any prior awareness, you can imagine my shock when on the evening of July 28, 1995, I sat down to begin reading the letters and realized that the first letter to my mother was written on July 28, 1945—50 years earlier, to the day.

My father arrived in Europe on that day with mixed feelings. He knew that he had an opportunity to be part of a historic occasion. But he was reluctant to leave my mother and their children. I was only a year old at the time—and a very active child according to my mother. Sometimes I wonder if I was the reason my father decided to go to Nuremberg.

Ultimately, the decision was made to see the job through. As he explained it, ''Sometimes a man knows his duty, his responsibility so clearly, so surely, he cannot hesitate—he dare not refuse it. Even great pain and other sacrifices seem unimportant in such a situation. The pain is no less for this knowledge—but the pain has a purpose at least.''

He threw himself into a job he expected would last only a few months. In July 1945,

this 38-year-old attorney had no idea that he would be promoted from staff counsel to trial counsel, then to senior trial counsel, and then to Executive Trial Counsel—the deputy prosecutor for the United States.

The Nuremberg trials themselves were an absolutely massive undertaking, with so many questions that had to be answered:

Who would be the judges?

Who would be the lawyers?

Would the defendants be tried together or separately?

Would the trials be conducted under American or European legal customs?

Would they be military or civilian trials?

And perhaps the most pressing practical question: Where would the trials be held?

My father, like many, expressed reservations about holding the trial in Nuremberg. The city, he said, was ''probably the worst in Germany'' in terms of destruction. He suggested that Heidelberg, which had survived the war essentially intact, would have been a better alternative.

But for reasons of principle—if not practicality—he knew that Nuremberg was the right choice. It was, after all, Nuremberg where the Nazis met on September 10, 1935 to codify into law their regime of oppression, terror, and hatred. And so it was totally fitting that in Nuremberg, these Nazis were brought to justice.

My father's ambivalent outlook towards his participation in the trial changed dramatically on August 14th, 1945. On that day, he and his fellow prosecutors began interrogating prisoners. He described it as ''a day I shall never forget,'' and the day that followed as ''the most fascinating day of my life.''

From August through November 1945, my father spent much of his time face to face with some of the most vital cogs in Hitler's murderous Nazi machine. William Keitel. Hans Frank. Rudolph Hess. Hermann Goering. One by one, each of them would do his best to deflect blame and to deny. My father remarked that ''It would be relieving to hear one of them admit some blame for something. They blame everything on the dead or missing.''

Throughout the course of the investigation and trial, my father became one of Justice Jackson's closest associates—and one of his closest friends, as well.

There's no question that my father viewed Justice Jackson as much more than a professional colleague. ''I am proud of my association with him,'' he wrote, ''and even more proud of his friendship.''

My father admired Jackson greatly for his keen intellect, his quiet dignity, and for his steadfast dedication to seeing the trial through to the end. In a letter he wrote to Justice Jackson's son on the occasion of the Justice's passing in 1954, my father called him ''one of a very few great men whom I have been privileged to meet in my lifetime.''

I will not go into much detail discussing the proceedings of the trial itself. Much of the trial was actually fairly tedious. For the most part, anyone expecting tearful admissions of guilt was sorely disappointed.

My father, for his part, presented several aspects of the prosecution's case, including those on concentration camps, on economic oppression, and on slave labor. He cross-examined numerous witnesses, including six of the defendants. Four of those defendants were ultimately sentenced to death. The other two served lengthy terms in prison.

For my father, though, Nuremberg was about much more than the defendants, the evidence, and the sentences. It was about the opportunity, as he put it, ''to write a record that will mark a new point in man's relation with man.''

My father returned from Nuremberg with a deep commitment to the rule of law and its role in upholding the basic human rights and human dignity of every man, woman, and child.

That commitment is the reason why—as a Congressman and a Senator—he was such a staunch supporter of the civil rights movement. It's the reason he was such an ardent opponent of Communism. And it is the reason why he embraced bold new efforts to eliminate poverty in our nation and throughout the world.

My father also left Nuremberg as an ardent believer in the need to create and use law to preserve and promote human dignity.

Nuremberg was essentially a trial without precedent. As I mentioned earlier, when Justice Jackson and others were developing the guidelines for the Nuremberg trials, there was a great deal of debate and disagreement over the legality of the proceedings.

Justice Jackson spent a great deal of time arguing why, in fact, there was legal precedent in international law for the crime of waging aggressive war.

But beyond those legal arguments, there was another, far more fundamental point—a point that Robert Jackson and my father shared. That the crimes committed by the Nazis were so heinous, so unthinkable, that they violated the basic rules by which all of humanity must abide.

As Justice Jackson said in his opening statement, ''The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated.''

This idea of a natural law, rooted in basic standards and norms of human behavior, was a powerful argument in favor of the Nuremberg trials. Perhaps no document embodies the idea that such basic standards exist more than our own Declaration of Independence, which affirms that ''all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these rights are life, liberty, and the pursuit of happiness.''

Natural law was a concept for which my father was a strenuous advocate. I can remember a story he told me about a paper he wrote at Yale for a professor of his, Harold Lasky, a renowned socialist. In the paper, my father argued passionately in favor of natural law theory. When he got the paper back, a note was written on the front page: ''I disagree with everything you have written. A Plus.''

The Nuremberg trials' lasting legacy, my father believed, would be in international institutions that could punish crimes against humanity, and more importantly, deter those crimes in the future.

As he put it, ''By a declaration of criminality against these organizations, this tribunal will put on notice not only the people of Germany, but the people of the whole world. Mankind will know that no crime will go unpunished because it was committed in the name of a political party or a state; that no crime will be passed by because it is too big; that no criminals will avoid punishment because there are too many.''

Regrettably, my father's and Robert Jackson's vision has not yet been fully realized.

Over the last six decades, we have not witnessed the level of horrific destruction and carnage perpetrated by the Nazis. But we have seen, time and again, terrible crimes against humanity in places like Cambodia, Iraq, Bosnia, Rwanda, and today in the Darfur province of the Sudan.

Tragically, many of the individuals involved in these crimes—people like Joseph Stalin, Pol Pot, and Idi Amin—were never brought to justice. In some of these cases, the world did eventually create tribunals—but always, like Nuremberg, temporary, ad hoc courts that were established after the fact.

To truly be called effective, a court must not simply punish the guilty, then disband. It must serve as a permanent reminder to any potential criminals that they, too, will be held accountable. Such a court can not only punish crimes—it can deter them.

In my view, there is only one kind of institution that can ensure the kind of accountability that can prevent future war crimes—and that is a permanent court empowered to indict, prosecute, and judge international criminals.

After many, many years of effort, the International Criminal Court came into existence on July 1, 2002. Unfortunately, rather than lend its support to this effort, the United States has walked away from it.

I'm aware that there are complex issues that need to be resolved regarding our nation and the International Criminal Court. But I strongly believe that our nation's interests, and the world's interests, would be far better served if we worked to address those issues rather than abandoning the entire process.

What, after all, does it say about a nation that prides itself in upholding freedom, justice, and human rights when it simply disengages itself from an institution whose goal is to promote those values? And what does it say about an institution's power to bring criminals to justice when the most powerful nation in the world refuses to play a part?

The tragic events in Darfur today represent exactly the kind of situation in which people like my father and Robert Jackson envisioned international courts playing a prominent role. It is my hope that the current administration will see the Darfur genocide as an opportunity to participate in this institution in some way, rather than simply standing on the sidelines. Otherwise, the cry of ''never again'' will ring tragically hollow.

There is another legacy of Nuremberg that is just as powerful as its role in the development of international law. As I mentioned earlier, the decision to hold a trial at Nuremberg—rather than summary executions—was not an easy choice.

We rejected the certainty of executions for the uncertainty of a trial. We turned away from violence that was certainly within our ability, and, many would argue, within our right.

But what we learned is that our nation became stronger, and more respected, because we took the course that we did.

At the heart of that decision was the idea that this nation will not tailor its eternal principles to the conflict of the moment—and the recognition that if we did, we would be walking in the very footsteps of the enemies we despised.

This is a principle I believe we would all do well to remember today.

This past year, we all were horrified at the images and stories of abuse of prisoners held in places like Abu Ghraib in Iraq and Guantanamo Bay, Cuba.

The abuse itself was shocking. In my view, though, even more troubling are the comments on this issue that we've heard from some who occupy positions of great power in our government.

Legal justifications for the use of torture by American troops;

For turning over individuals to other nations known to torture detainees;

And, perhaps most egregiously, legal justifications that would explicitly exempt any executive branch official from prosecution for torture ''if they are carrying out the President's Commander-in-Chief powers.''

Sixty years ago at Nuremberg, the United States and our allies considered the defense

''I was just following orders'' to be so cowardly that it was prohibited under the rules of the trial.

Perversely, there are some who consider that defense acceptable for Americans today.

The proponents of these rationalizations tell us that we are living in different times.

That we are facing enemies who show blatant disregard for human life, and whose organizations transcend international borders.

As a result, the argument goes, we must re-evaluate certain conventions and practices that we have long respected.

I wonder how men like Robert Jackson and my father would respond to these arguments. Would they be swayed by them? Would they be persuaded somehow that the followers of Osama bin Laden and Saddam Hussein are fundamentally different from the despicable and depraved defendants who swore allegiance to Adolf Hitler?

Would these men, who prosecuted the Nazis based on testimony and documentary evidence, be heartened by the argument that the best responses we can muster against evil today are attack dogs and water-boarding?

I truly, truly think not. On the contrary, I believe that Robert Jackson and my father would be tremendously disappointed and saddened at some of the actions taken by Americans on behalf of our nation—and by some of the official legal arguments made in support of those actions.

I believe that Robert Jackson and Thomas Dodd would see these actions as a reflection of a government that has turned away from the lessons of history and stepped back from the very values of due process and equal justice that we expect of others worldwide.

Is the threat of international terrorism a dangerous one? Unquestionably. But we cannot allow that danger to compromise bedrock principles which have stood since the birth of our nation—values like the right to be free from torture or from indefinite detention without a charge.

We enshrined these values in our Constitution not simply because we believe Americans are entitled to them. We did so because they affirm a basic sense of human dignity in each and every man and woman. And because we, as a nation, are committed to upholding that dignity—even if others do not.

If we cavalierly toss aside those values in response to a particular enemy or threat, it is not our enemies, but we who will pay the ultimate price.

As Justice Jackson said at Nuremberg, ''we must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well. ''

A century and a half ago, in his second State of the Union address, Abraham Lincoln said that in giving or denying freedom to slaves, ''We shall nobly save or meanly lose the last, best hope of earth.''

The issue then was how our nation treats the enslaved. Sixty years ago, the question was how to treat Nazi war criminals. Today, we face the same choice with regard to the way we treat international terrorists.

If we heed the example set at Nuremberg by people like Robert Jackson and Thomas Dodd, if we treat our enemies according to our standards—not theirs—we feed the flame of liberty and justice that has rightly led our nation on its journey for these past two and a quarter centuries.

And we set a shining and lasting example for a true global community—one grounded in the principles of justice, freedom, and peace.

And we live up to the great memory of Robert Jackson and of a young counsel named Thomas Dodd.

HONORING OUR ARMED FORCES

TRIBUTE TO SPECIALIST SETH GARCEAU

Mr. GRASSLEY. Mr. President, today I rise in remembrance of a fellow Iowan who has fallen in service to his country in Iraq. Specialist Seth Garceau died on the 4th of March after being seriously injured by a roadside explosive on the 27th of February. A member of the Iowa Army National Guard Company A, 224th Engineer Battalion, Specialist Garceau is survived by a mother, Lori, a father, Rick, and a sister, Tess.

Seth Garceau grew up in Oelwein, IA, and enlisted in the Iowa Army National Guard in 2000 while he was still in high school. Seth graduated from Oelwein High School in 2001 and was mobilized for Operation Iraqi Freedom in 2004. Officials announced on the 5th of February that Specialist Garceau will be promoted posthumously to the rank of Sergeant.

Former President Calvin Coolidge once said, ''No person was ever honored for what he received. Honor has been the reward for what he gave.'' Seth Garceau has given his life, that greatest of gifts, and for that, we shall forever honor him. I offer my most sincere sympathy to his family and friends who have felt this loss most deeply. May we always remember Seth with respect and admiration. For his life and the sacrifice he made, he deserves no less.

RULES OF PROCEDURE—COMMERCE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, the Committee on Commerce, Science, and Transportation has adopted rules governing its procedures for the 109th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator INOUYE, I ask unanimous consent that a copy of the Committee Rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any Subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any Subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any Subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any Subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. A majority of members which shall include at least one minority member shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any Subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings

or any other meeting but shall not have the authority to vote on any matter before the Subcommittee unless he or she is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

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.

Last week, a man pleaded guilty to aggravated manslaughter for killing a 15-year-old girl at a bus stop. Sakia Gunn, the victim, and four other girls were standing outside a bus stop when the assailant approached the girls with an invitation to a party. The girls responded that they were lesbians and were not interested in going. The assailant began making homophobic insults at the girls and stabbed Sakia Gunn.

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.

ACCOUNTABILITY FOR THE ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President, with this new session of Congress and the President's new term we are presented with new opportunities for change. Congress and the President have embraced these opportunities on many issues—new cabinet officials have been confirmed and a renewed effort is underway by the administration to repair strained international relationships. Unfortunately, on one important front there has been no change: The administration continues to stonewall on the prisoner abuse scandal and Congress continues to abdicate its oversight responsibility on this issue.

Ignoring this problem will not make it go away. Even without a comprehensive, independent investigation into the abuse of detainees, we continue to learn more about this scandal from press reports and the court-ordered release of Government documents in response to Freedom of Information Act (FOIA) litigation.

The latest set of documents made public through the FOIA case reveal not only more incidents of abuse, but also indicate that soldiers in Afghanistan destroyed evidence of detainee mistreatment. One file documents the Army's investigation into the discovery of a compact disk during an office clean-up in Afghanistan in July 2004. The disk contained photos of U.S. soldiers pointing their handguns and rifles at the heads of bound and hooded detainees. Many of the soldiers questioned about these photos said they were ''joking around'' and that they wanted to have some good pictures to show their friends back home. If the roles were reversed and it was American POWs being used as photo props with weapons pointed at their heads, we would be rightly outraged by this conduct.

While the photos on this disk are disturbing in their own right, the circumstances surrounding this investigation are even more troubling. Unlike the photos from Abu Ghraib, these photos were not investigated because of an American soldier, in an act of conscious, gave the photos to a superior officer. These new photos were discovered by accident. The subsequent investigation into the photos revealed that soldiers in the unit were told by their superiors to delete similar photos of abuse to prevent their disclosure.

New details have also emerged about one of the infamous Abu Ghraib photos. Many will remember the photo of Manadel al-Jimadi's corpse packed in ice with Specialist Charles Graner posing over the body and giving the ''thumbs-up'' sign. We have known for months that this was a homicide, but a recent news report provides additional details about al-Jimadi's death. Al-Jimadi, one of the CIA's ghost detainees at Abu Ghraib, was secretly held at the prison. The International Committee of the Red Cross was denied access to him in violation of the Geneva Conventions. Now, press reports indicate that he died in a position known as ''Palestinian hanging.'' This barbaric practice entails cuffing the detainee's hands behind his back and suspending him from the wrists.

President Bush condemned Saddam Hussein for similar practices; the President should be as outraged when these acts are committed by American personnel.

Meanwhile, the media continues to reveal details about the administration's use of extraordinary rendition to transfer terrorism suspects in U.S. custody to the custody of countries where they are likely to be tortured. A recent article in The New Yorker, titled ''Outsourcing Torture,'' provides disturbing details about how the administration embraced the use of renditions after the attacks on September 11. The article cites three instances where the U.S. transferred suspected militants from Afghanistan to Uzbekistan. Although the fate of these men is not known, Uzbekistan is known to use interrogation methods such as partially boiling a detainee's hand or arm.

The State Department recently released its annual human rights report. The report criticized several countries for employing interrogation techniques that the State Department considered to be torture, yet are similar to techniques approved in 2002 by Secretary Rumsfeld. How can we criticize these countries for using techniques that our own Defense Secretary approved? How can our State Department denounce countries for engaging in torture while the CIA secretly transfers detainees to the very same countries? President Bush said that U.S. personnel do not engage in torture, but transferring detainees to other countries where they will be tortured does not absolve our government of responsibility. By outsourcing torture to these countries, we diminish our own values as a nation and lose our credibility as an advocate of human rights around the world.

Even without further government action, this scandal is not going to go away. It is time for us to lead the investigation, rather than wait to read about the latest discovery of abuse in the newspaper. As I have said before, there needs to be a thorough, independent investigation of the actions of those involved, from the people who committed abuses to the officials who set these policies in motion. The investigations completed thus far provide additional insight into how the prison abuses occurred, but their narrow mandates prevented them from addressing critical issues.

For example, an executive summary of the long-expected report on interrogation policy by Admiral Albert T. Church was released today. The full report, which is classified, reportedly criticizes the Pentagon for a failure of oversight, yet finds no direct evidence that high level officials ordered the mistreatment of detainees. The executive summary contains only a brief reference to the role of contractors in interrogations, and affirms that numerous contracts have been awarded in an ad hoc fashion and without central coordination. The role of contractors is an area sorely in need of a comprehensive investigation.

Similarly, the unclassified summary leaves many questions unanswered about Department of Defense (DOD) interaction with the CIA. It confirms that approximately 30 detainees were kept ''off the books'' in Iraq. The summary admits that DOD assisted the intelligence agencies with detainee transfers and supported interrogations by ''other government agencies''—which is government-speak for the CIA—at DOD facilities. What is missing from the Church report, however, is

a full exploration of the role of the CIA in detention, rendition, and interrogation. The Agency apparently cooperated with the Church investigation, but provided information on activities only in Iraq, and not on any of the other nations or facilities where the CIA is holding and interrogating detainees.

A very important piece of information came out of today's hearing on the Church report, however. In his testimony before the Armed Services Committee, Admiral Church was asked by Senator KENNEDY about unclassified paragraphs of the full report that discuss early meetings of the DOD working group on interrogations. That working group produced a memo that tracked very closely the infamous August 2002 Justice Department torture memo. The Justice memo claimed that for an action to rise to the level of torture it must result in pain equivalent to the type associated with organ failure or even death.

Apparently, the working group was briefed by Justice Department lawyers who presented the Justice memo's legal analysis as controlling. According to Senator KENNEDY's exchange with Admiral Church, members of the working group protested. They believed that interrogation policy should follow the Geneva Conventions. Admiral Church confirmed that the working group was overruled by the Pentagon's Office of General Counsel, which insisted on using the torture memo as the legal foundation for interrogation techniques. Specifically, Admiral Church admitted, the working group was overruled by William J. Haynes, General Counsel of the Department of Defense, whom the President has nominated to a lifetime appointment as a Federal Circuit Court judge. And still, given all of this information, the Pentagon claims that abuses did not stem from policies generated from the highest levels of this administration.

Only a truly independent entity can comprehensively investigate the policy decisions that were made at the top and the abuses that followed in the field. There will always be scandals and tragedies in a nation's history. What makes America unique is that we do not hide from these issues; we investigate them, learn from our mistakes, and make sure they do not happen again. I have no doubt that an independent investigation into the abuse of detainees will be painful, but it is also a necessary step to moving forward.

44TH ANNIVERSARY OF THE PEACE CORPS

Mr. OBAMA. Mr. President, as the Peace Corps celebrates its 44th anniversary this month, I would like to take this opportunity to commend its many wonderful volunteers, past and present, and the remarkable work they do. I am very pleased to report that three universities in Illinois—the University of Illinois at Champaign-Urbana, Northwestern University, and the University of Chicago—are three of the top Peace Corps-volunteer producing colleges and universities in the country. There are currently 295 volunteers from Illinois working in countries around the world, and I am tremendously proud of the service provided by each and every one of them.

The work of the Peace Corps in promoting mutual understanding between our country and the rest of the world has never been more relevant than it is today. The Peace Corps began in 1961 under President John F. Kennedy as a unique experiment in humanitarian service and cultural exchange and has grown to become one of the most widely respected American institutions in the world. Since the founding of the Peace Corps, over 178,000 volunteers have served in 138 countries.

Peace Corps volunteers share their knowledge, skills, and enthusiasm by serving as health educators, youth and agricultural workers, teachers, and business advisors. Of the 7,700 volunteers currently serving, over 3,100 are working on HIV/AIDS education and prevention projects, and I commend them on their critically important work on this global crisis.

I also would like to honor past volunteers who have helped to build this wonderful program into what it is today, who have empowered and given voice to individuals and communities in developing countries around the world. Individually and collectively, Peace Corps volunteers represent the very best of our great country, and I am proud to salute them on their 44th anniversary.

CONCURRENT RESOLUTION ON DEATHS OF WOMEN IN THE STATE OF CHIHUAHUA, MEXICO

Mr. BINGAMAN. Mr. President, I rise today to speak on behalf of a concurrent resolution I submitted yesterday which conveys the deepest sympathy of the Senate to the families of the young women who have been tragically murdered in Ciudad Juarez and throughout the state of Chihuahua, and urges the Governments of Mexico and the United States to work together to address this issue. This is an issue that has not only affected the people of Mexico but has long troubled the border communities across the entire Southwest region.

Last Congress, I submitted a similar version of this resolution in conjunction with Representative HILDA SOLIS in the House of Representatives, and I am pleased that Senators CORNYN, CORZINE, DURBIN, ENSIGN, FEINGOLD, FEINSTEIN, LANDRIEU, LEAHY, LEVIN, MIKULSKI, and MURRAY, have joined me in resubmitting this resolution.

This last Tuesday was International Womens' Day, and I believe that as we mark the achievements women have made, we must also recognize the challenges that remain. Stopping violence against women is one such challenge that we face. It is far too prevalent in our country and around the world, and we must do all we can to bring it to an end.

Since 1993, bodies of young women began appearing in the deserts outside the city of Juarez, Mexico, marking the beginning of a horrendous epidemic that has plagued the United States-Mexico border region for more than 10 years. Since then, more than 370 women have been killed. Many of the young women were abducted in broad daylight in well-populated areas, held captive for several days, and subjected to physical violence, humiliation, and sexual torture before having their mutilated bodies discovered days, or sometimes years, later in deserted areas. Since 2004, at least 30 women have been killed in the city of Juarez in Chihuahua.

On May 28, 2004, 14-year-old Luisa Rocio Chavez was found murdered in the state of Chihuahua after disappearing the previous morning on her way home from the store. She had been raped and strangled to death, and her body was found partially clothed. And before that, on April 26, 2004, a 33-year-old factory worker, Teresa Torbellin, was found after being beaten to death and dragged through bushes and desert, eventually being dumped in a deserted area outside the city. Like these deaths, nearly all of the cases remain unsolved. In fact, many of the bodies of victims have yet to be positively identified. One can only imagine how much pain and suffering this has caused the families and friends of these young women. I want to make sure these deaths are never forgotten, and that the Governments on both sides of the border continue to give this issue the attention it so rightly deserves.

Human rights groups have reported that in many cases bodies have been misidentified, evidence contaminated or lost, key witnesses not properly interviewed, and autopsies inadequately performed. And there have been serious allegations of instances of individuals being tortured into confessing to these horrible crimes. In one such case, an American citizen, Cynthia Kiecker, and her husband Ulises Perzabal were accused of killing a young woman and reportedly tortured into confessing. I am pleased that they have since been released.

President Vicente Fox has taken steps to address this issue by setting up the Commission to Prevent and Eradicate Violence Against Women, which is responsible for coordinating federal and state efforts in preventing violence of women in Ciudad Juarez and Chihuahua, and appointing a special prosecutor for punishing those responsible for the murders in Ciuad Juarez. The federal prosecutor, Maria Lopez Urbina, has reviewed over 200 cases and cited 130 Chihuahua public servants for negligence and malfeasance. I am encouraged that the new governor of Chihuahua, Jose Reyes Baeza Terrazass, has indicated a willingness to take steps to resole these murders.

I also want to recognize the efforts of Commissioner Guadalupe Morfin Otero, who has done some good work in investigating the issues surrounding these deaths. The Mexican Federal Government has also established a DNA database to help better identify the victims. While obtaining independent verification of victims' remains an outstanding issue, the creation of this database is a positive step in the right direction.

Although I am pleased that President Fox has taken the initiative on these fronts, I continue to believe that there needs to be a more coordinated effort on the part of the Mexican and U.S. Governments. That is why I have submitted this vitally important resolution. I stand ready to assist in any way I can, and I believe that the U.S. Government should be prepared to do so as well. The U.S. Agency for International Development has begun providing assistance to the state of Chihuahua for judicial reform, and I hope that the Mexican and U.S. Governments can work together on other initiatives as well. This resolution isn't meant to be a condemnation of Mexico. It is meant to express that the U.S. Congress stands with the victims of this violence and is willing to take constructive steps to assist in preventing these murders in the future.

Specicially, this resolution would condemn the abductions and murders of young women in the state of Chihuahua, Mexico, express the sincerest condolences and deepest sympathy of the Senate to the families of the young women, and urge a continued multilateral effort on the part of the Governments of Mexico and the United States to address this issue.

To this end, it would urge the Governments of Mexico and the United States to support steps that would allow families to positively identify the remains of the victims, and encourage the Secretary of States to continue to facilitate U.S. participation in such efforts.

It would also encourage the Secretary of State to urge the Mexican Government to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders, and to impose appropriate punishment for those individuals found guilty of such crimes. Additionally, it would condemn threats against human rights activists and the use of torture as a means of investigation.

Lastly, this resolution would condemn all senseless acts of violence against women across the world and express the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

This problem can't be ignored. We have the chance to help end the suffering of these innocent families, and I hope the Senate will join me in supporting this resolution.

THE TIBETAN DAY OF COMMEMORATION

Mrs. FEINSTEIN. Mr. President, Today I rise to commemorate the 46th Anniversary of the Tibetan Uprising of 1959.

It is my sincere hope that both the Chinese government and the Tibetan leaders might use this opportunity to reflect on the importance of pursuing a viable, long-term solution that provides the Tibetan people the right to enjoy religious, cultural, and social autonomy as part of the People's Republic of China.

This anniversary marks a sad, but important day in the history of the Tibetan people.

In 1951, two years after the People's Liberation Army first entered Tibet, Chinese government representatives and Tibetan leaders signed what has been called the 17 Point Agreement.

This agreement, among other things, included the promise of Tibetan religious, cultural, and social autonomy, and preserved the institution of the Dalai Lama.

Sadly, the Chinese government failed to uphold these promises and attempted to force ''revolutionary socialist reforms'' upon the Tibet people and leadership. This ultimately culminated in the 1959 Lhasa Uprising which saw tens of thousands of Tibetans killed and forced the Dalai Lama and many others to flee to India.

Today human rights abuses continue against Tibetans wishing to practice their religion or promote their unique cultural and historical identity. Hundreds have been imprisoned in Tibet, and tens of thousands more have had to flee their homeland.

Nevertheless, the Dalai Lama remains steadfast in his desire to find a long-lasting and viable solution that will provide freedom and autonomy for the Tibetan people without pursuing independence.

In a speech today to mark this 46th anniversary, he stated:

> We remain fully committed to the Middle Way Approach of not seeking independence for Tibet and are willing to remain within the People's Republic of China.

He also praised the economic progress and development that has taken place in Tibet over the past 40 years, including the new railroad link that will begin operation this year.

I have personally worked for well over two decades to try and bring both the Chinese government and Tibetan leadership together in a spirit of cooperation and dialogue to overcome the differences that have impeded progress on a solution for Tibet. And after many conversations with the Dalai Lama, I am fully convinced that he is sincere in his promise not to pursue a separate path for Tibet.

To that end, several times over the years I have carried messages from the Dalai Lama to Beijing and communicated regularly with Jiang Zemin and other Chinese officials on the importance of establishing dialogue on the Tibet issue.

I have also been pleased to see that discussions between the Dalai Lama's envoys and Chinese officials have resumed and that a third round of meetings took place last September in Beijing.

It is my hope that both sides will build upon these meetings and that President Hu, with his knowledge and understanding of the Tibetan people, will come to appreciate the international goodwill that would be fostered by his willingness to meet with the Dalai Lama and pursue a reasonable solution to the Tibet issue.

Despite the slow pace of progress over the years, I remain confident that if the Chinese leadership will only sit down with the Dalai Lama and listen openly to his views, that a sustainable solution providing for the preservation of the distinctive identity, religious and cultural heritage for the Tibetan people can be found.

ADDITIONAL STATEMENTS

AMERICAN CULINARY FEDERATION'S SOUTHEASTERN REGIONAL CONFERENCE

• Mr. ALLEN. Mr. President, I am pleased today to recognize a group of Americans who are constantly seeking to improve upon their skills and pursue excellence in their passion and vocation.

Beginning today, chefs, cooks, students and foodservice professionals from Southeastern America will gather in Roanoke, VA for a 4-day conference hosted by the American Culinary Federation's Southwestern Virginia Chapter. The event serves as an invaluable opportunity for these culinarians to share their immense skill and knowledge with others in their profession. It provides a chance for these culinary artists to create new relationships and foster old ones, and for senior and master chefs to inspire the aspiring junior chefs.

The conference will honor a number of individuals for excellence in their trade, with the following distinctions being awarded: chef of the year award, pastry chef of the year award, and student member of the year award. These individuals will then compete at the national conference of the American Culinary Federation to receive the national award in each division.

In addition to the work the American Culinary Federation does to promote the art of cooking and to enhance the dining experience for those who indulge in a meal prepared by these talented individuals, the ACF also works hard to fight childhood hunger across the nation by providing nutrition-based education programs to children in preschool through grade five. Chefs work to increase the awareness of childhood hunger and poverty, and help to train food-relief agencies.

I am pleased that the Southwestern Virginia Chapter of the American Culinary Federation will host such a talented and compassionate group of Americans in the great town of Roanoke. I wish them continued success in their culinary endeavors.●

TRIBUTE TO THE FIRST BAPTIST CHURCH OF KANSAS CITY, MISSOURI, ON ITS 150TH ANNIVERSARY

● Mr. BOND. Mr. President, it is with great pleasure that I congratulate the First Baptist Church of Kansas City, MO, on its 150th anniversary.

The First Baptist Church has had a long and proud history, coinciding with the history of Kansas City. The church was organized on April 21, 1855, by a group of 10 men and women in the small settlement along the Missouri River incorporated as the City of Kansas. The first pastor was the Reverend R.S. Thomas. In 1859 the congregation completed its first building at Eighth and May Streets in downtown Kansas City.

In 1880, a new church building was completed on the southwest corner of Twelfth and Baltimore, later the side of the Hotel Muehlebach. The growth of the congregation and the city dictated relocation of the church in the early 1900s. A new site was chosen at Linwood Boulevard and Park Avenue while a West Side Branch of the church was established at Thirteenth and Broadway to serve the needs of downtown residents. Both buildings were dedicated in 1909. From 1909 and 1942, First Baptist Church ministered in two very different locations. After our country's entry in World War II, changing conditions and needs brought the decision to end the West Side ministry. The property was sold to the Salvation Army.

In 1960, the congregation voted to establish a branch church in the southern part of Kansas City. The new colonial-style church building was completed in 1963 at the northwest corner of Wornall Road and Red Bridge Road. There have since been two additions to the original structure. The First Baptist Church of Kansas City was once again ministering at two locations within the city. In 1982, the Linwood Boulevard building was sold to the Metropolitan Missionary Baptist Church. Since that time, the church's single location has been at Red Bridge and Wornall.

Throughout its 150 years, First Baptist Church of Kansas City, MO, has striven to maintain its concern for and involvement in the entire Kansas City community. Its pastors and members have often assumed leadership positions in civic affairs, especially during a time when Kansas City was fighting to end political corruption within the local government and later when Kansas City worked to bring an end to discrimination in public facilities and housing.

The First Baptist Church of Kansas City has strongly supported the home mission and foreign mission programs of their denomination. Many of their members have served in foreign mission fields, including two who are presently working in Hong Kong. The church has always been involved in ecumenical relationships with other churches, other denominations and other faiths in their community, in our nation, and throughout the world by their membership in the Baptist World Alliance.

I commend the congregation of First Baptist Church of Kansas City on their commitment to maintain high standards of worship, music, and fellowship. I am pleased to join with the Kansas City community and the State of Missouri in congratulating the congregation and wishing them continued growth and success for the next 150 years.●

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—PM 9

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. Consistent with this provision, I have sent the enclosed notice stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2005, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on March 12, 2004 (69 FR 12051).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and 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 Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2005*.

NOTICE—CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN

On March 15, 1995, by Executive Order 12957, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them. On May 6, 1995, the President issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2005. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of November 2004. This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2005*.

MESSAGE FROM THE HOUSE

At 2:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. MANZULLO of Illinois, Chairman and Mr. MCCOTTER of Michigan, Vice Chairman.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 570. A bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end

of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 99. A bill to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming (Rept. No. 109–27).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 152. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes (Rept. No. 109–28).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 176. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (Rept. No. 109–29).

S. 231. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes (Rept. No. 109–30).

S. 232. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes (Rept. No. 109–31).

S. 244. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming (Rept. No. 109–32).

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii (Rept. No. 109–33).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 272. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System (Rept. No. 109–34).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 600. An original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes (Rept. No. 109–35).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Vincent M. Weber to be Captain.

Coast Guard nominations beginning with John C. Adams and ending with Andrew H. Zuckerman, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Coast Guard nominations beginning with Robert M. Keith and ending with Daniel E. Ward, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

National Oceanic and Atmospheric Administration nominations beginning with James D. Rathbun and ending with Andrew P. Seaman, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

(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. DAYTON:

S. 587. A bill to amend title 40, United States Code, to require that automobiles and light trucks manufactured after model year 2006 be able to operate on a fuel mixture that is at least 85 percent ethanol, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. KYL):

S. 588. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. LEAHY):

S. 589. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. REID):

S. 590. A bill to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself, Mr. CRAIG, Mr. ENZI, Mr. STEVENS, and Mr. BURNS):

S. 591. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself, Mr. HAGEL, Mr. ENZI, and Mr. NELSON of Nebraska):

S. 592. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. BAYH, Mr. BURR, Mr. SANTORUM, Mr. SCHUMER, Mr. DEWINE, Mr. DURBIN, Mrs. DOLE, Mr. BYRD, Ms. MIKULSKI, Mr. GRAHAM, Mr. LIEBERMAN, Mr. PRYOR, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. BAUCUS, and Mr. LOTT):

S. 593. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Finance.

By Mr. SPECTER:

S. 594. A bill to amend section 1114 of title 11, United States Code, to preserve the health benefits of certain retired miners; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. BAUCUS, Mr. SMITH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 595. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.

By Mr. THOMAS:

S. 596. A bill to reform the nation's outdated laws relating to the electric industry, improve the operation of our transmission system, enhance reliability of our electric grid, increase consumer benefits from wholesale electric competition and restore investor confidence in the electric industry; to the Committee on Energy and Natural Resources.

By Mr. BAYH:

S. 597. A bill for the relief of Fatuka Kaikumba Flake; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing; to the Committee on Indian Affairs.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 599. A bill to provide duty-free treatment for certain tuna; to the Committee on Finance.

By Mr. LUGAR:

S. 600. An original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. CONRAD:

S. 601. A bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BOND, Mrs. CLINTON, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. WYDEN, Mr. SARBANES, Mr. JOHNSON, Mr. NELSON of Florida, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, Mr. KOHL, Mr. LEAHY, Mr. DURBIN, Mrs. BOXER, Mr. DODD, Mr. TALENT, Mr. LIEBERMAN, Mrs. DOLE, Mr. HAGEL, Mr. LUGAR, Mr. COLEMAN, Mrs. MURRAY, Mr. HARKIN, Ms. CANTWELL, Mr. BAYH, and Mr. ROCKEFELLER):

S. 602. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. Res. 79. A resolution expressing the sense of the Senate in marking the dedication on March 15, 2005, of the expanded museum complex at Yad Vashem, the Holocaust Martyrs and Heroes Remembrance Authority in Israel, in furtherance of Yad Vashem's mission to document the history of the Jewish people during the Holocaust, to preserve the memory and story of each of the victims, impart the legacy of the Holocaust to future generations, and recognize the Righteous Among the Nations; considered and agreed to.

By Ms. LANDRIEU (for herself, Ms. MURKOWSKI, Mr. SARBANES, and Mrs. CLINTON):

S. Res. 80. A resolution honoring the life of Fern Holland and expressing the deepest condolences of the Senate to her family on their loss; considered and agreed to.

By Mr. BURNS (for himself, Mr. THOMAS, and Mr. ENZI):

S. Res. 81. A resolution recognizing the contribution of Chris LeDoux to country music; considered and agreed to.

By Mr. BIDEN (for himself, Mr. CORZINE, Mr. FEINGOLD, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, and Mrs. BOXER):

S. Con. Res. 17. A concurrent resolution calling on the North Atlantic Treaty Organization to assess the potential effectiveness of and requirements for a NATO-enforced no-fly zone in the Darfur region of Sudan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 13

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 13, a bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 32

At the request of Mr. DAYTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 32, a bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 147

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 151

At the request of Mr. PRYOR, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 238

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 238, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property.

S. 241

At the request of Ms. SNOWE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 250

At the request of Mr. ENZI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Rhode Island (Mr. REED), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alabama (Mr. SESSIONS), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. THOMAS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 250, a bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 250, supra.

At the request of Mr. TALENT, his name was added as a cosponsor of S. 250, supra.

S. 263

At the request of Mr. AKAKA, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 263, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 268

At the request of Mr. HARKIN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Arkansas (Mr. PRYOR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 325

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 325, a bill to amend title 23, United States Code, to establish programs to facilitate international and interstate trade.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 352

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 352, a bill to revise certain requirements for H–2B employers and require submission of information regarding H–2B non-immigrants, and for other purposes.

S. 354

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 354, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 397

At the request of Mr. CRAIG, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being

brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 399

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 399, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 403

At the request of Mr. ENSIGN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 467

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 489

At the request of Mr. ALEXANDER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 495

At the request of Mr. CORZINE, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. NELSON), the Senator from Minnesota (Mr. DAYTON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 515

At the request of Mr. BYRD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 516

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 516, a bill to advance and strengthen democracy globally through peaceful means and to assist foreign countries to implement democratic forms of government, to strengthen respect for individual freedom, religious freedom, and human rights in foreign countries through increased United States advocacy, to strengthen alliances of democratic countries, to increase funding for programs of nongovernmental organizations, individuals, and private groups that promote democracy, and for other purposes.

S. 528

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 528, a bill to authorize the Secretary of Health and Human Services to provide grants to States to conduct demonstration projects that are designed to enable medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice.

S. 586

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 586, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

S. RES. 69

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 69, a resolution expressing the sense of the Senate about the actions of Russia regarding Georgia and Moldova.

S. RES. 71

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 71, a resolution designating the week beginning March 13, 2005 as ''National Safe Place Week''.

AMENDMENT NO. 70

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 70 proposed to S. 256, a bill to amend title 11 of the United States Code, and for other purposes.

AMENDMENT NO. 112

At the request of Mr. INOUYE, his name was added as a cosponsor of amendment No. 112 proposed to S. 256, a bill to amend title 11 of the United States Code, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. KYL):

S. 588. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator KYL in introducing the Arizona Trail Feasibility Study Act. This bill would authorize the Secretaries of Agriculture and Interior to conduct a joint study to determine the feasibility of designating the Arizona Trail as a National Scenic or National Historic Trail. A companion bill is being introduced today in the House of Representatives by Representative KOLBE and rest of the Arizona delegation.

Since 1968, when the National Trails System Act was established, Congress has designated 20 national trails. This legislation is the first step in the process of national trail designation for the Arizona Trail. If the study concludes that designating the Arizona Trail as a part of the national trail system if feasible, subsequent legislation can be introduced to designate the Arizona Trail as either a National Scenic Trail or National Historic Trail.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border. In between these two points, the Trail winds through some of the most rugged, spectacular scenery in the Western United States.

For the past 10 years, over 16 Federal, State, and local agencies, as well as community and business organizations, have worked to form a partnership to create, develop, and manage the Arizona Trail. Designating the Arizona Trail as a national trail would help streamline the management of the Trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the State, and incorporates a host of existing trails into one continuous trail. The Arizona Trail extends through seven ecological life zones including such legendary landmarks as the Sonoran Desert and the Grand Canyon. It connects the unique lowland desert flora and fauna in Saguaro National Park and the pine-covered San Francisco Peaks, Arizona's highest mountains at 12,633 feet in elevation. In fact, the Trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in one day. The Trail also takes travelers through ranching, mining, agricultural, and developed urban areas, as well as remote and pristine wildlands.

With over 700 miles of the 800-mile trail already completed, the Arizona

Trail is a boon to recreationists. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing states in the U.S., the designation of the Arizona Trail as a National Scenic or National Historic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross-country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I commend the Arizona Trail Association for taking the lead in building a coalition of partners to bring the Arizona Trail from its inception to a nearly completed, multiple-use, non-motorized, long-distance trail. Trail enthusiasts look forward to the completion of the Arizona Trail. Its designation as a national trail would help to protect the natural, cultural, and historic resources it contains for the public to use and enjoy.

I urge my colleagues to support the passage of this legislation.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in introducing the Arizona Trail Feasibility Study Act. This bill would authorize the Secretaries of Agriculture and the Interior to conduct a joint study to determine the feasibility and desirability of designating the Arizona Trail as a National Scenic or Historic Trail. A companion bill is being introduced today in the House of Representatives by Representative KOLBE on behalf of the entire Arizona delegation.

In 1968, Congress established the National Trails System to promote the preservation of historical resources and outdoor areas. National scenic and national historic trails may be designated only by an act of Congress. The first step toward national trail designation is the feasibility study process, which this legislation authorizes. When a study recommends a trail for designation, subsequent legislation will be introduced to bring it into the National Trails System.

The Arizona Trail is highly deserving of consideration for national designation. The trail is a roller coaster ride through the wide range of ecological diversity in the State. The Trail corridor begins at the Coronado National Memorial on the U.S. Mexico Border, and winds some 800 miles, ending on the Bureau of Land Management's Arizona Strip District on the Utah Border. As it connects these two points, it invites recreationists to explore the State's most renowned mountains, canyons, deserts and forests, including the Grand Canyon and the Sonora Desert. This trail is unique in that it was developed to maximize the incorporation of already existing public trails into one continuous trail, to showcase some of the most spectacular scenery in the West.

The trail is a partnership of over 16 Federal, State and local agencies, as well as numerous community and business organizations and countless volunteers, to develop and sustain it as a recreational resource for future generations. Authorizing this study and ultimately designating the Arizona Trail as a national trail will help streamline its management, boost tourism and recreation, and preserve a magnificent natural, cultural, and historical experience of the American West.

By Mr. CORNYN (for himself and Mr. LEAHY):

S. 589. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, on February 16, shortly before the President's Day recess in February, the Senator from Vermont and I introduced the OPEN Government Act of 2005—bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the Federal law commonly known as the Freedom of Information Act.

When I served as Attorney General of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest set of open government laws in our Nation. And ever since that experience, I have long believed that our federal government could use ''a little Texas sunshine.'' I am thus especially enthusiastic about the OPEN Government Act, because that legislation attempts to incorporate some of the most important principles and elements of Texas law into the federal Freedom of Information Act.

Today, I am pleased to join the Senator from Vermont again, to commence another bipartisan effort to reinforce our national commitment to freedom of information and openness in government. Indeed, this is an especially appropriate time to promote this important cause, because starting this Sunday, America will observe the first-ever national Sunshine Week—a celebration of our nation's founding principles and commitment to freedom of information and openness in government. It is also long past due. It has been nearly a decade since Congress has approved major reforms to the Freedom of Information Act. Moreover, a Senate Judiciary subcommittee hearing that the Senator from Vermont and I will lead next Tuesday morning to examine our open government laws will be the first such hearing since 1992.

The Faster FOIA Act of 2005 would establish an advisory Commission on Freedom of Information Act Processing Delays. The Commission would be charged with reporting to Congress and the President its recommendations for steps that should be taken to reduce delays in the administration of the Freedom of Information Act.

The Commission would be comprised of 16 members. Twelve of them would be appointed by members of Congress—three by the chairman of the Senate Judiciary Committee, three by the chairman of the House Government Reform Committee, and three each by the ranking minority member of the two committees. These four members of Congress would each be required to appoint at least one member to the Commission with experience submitting FOIA requests on behalf of nonprofit research or educational organizations or news media organizations, and at least one member with experience in academic research in the fields of library science, information management, or public access to Government information. The remaining four positions on the Commission would be held by designees of the Attorney General, the Director of the Office of Management and Budget, the Archivist of the United States, and the Comptroller General.

The Commission would be responsible for producing a study to identify methods to reduce delays in the processing of FOIA requests and to ensure the efficient and equitable administration of FOIA throughout the Federal Government. The Commission would also be charged with examining whether the system for charging fees and granting fee waivers under FOIA should be reformed in order to reduce delays in processing fee requests. The report would be due no later than one year after the date of enactment of this Act, and would include recommendations for legislative and administrative action to enhance FOIA performance. The Commission would expire thirty days after the submission of the report.

The Faster FOIA Act is important legislation to strengthen openness in our Federal Government, and I am pleased to join with the Senator from Vermont once again in furtherance of this cause.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 589

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2005''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'') for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; and

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I am pleased to join my colleague from Texas, Senator JOHN CORNYN, in introducing what is our second cooperative action in this Congress to improve the implementation of the Freedom of Information Act, or FOIA. This bill, called the ''Faster FOIA Act of 2005,'' responds to commonly voiced concerns of FOIA requestors over agency delay in processing requests.

I want to express my appreciation to all of the FOIA officers and other Federal employees who work hard to process FOIA requests quickly and efficiently. I know that many simple requests are filled within a few days, and I understand that complex requests dealing with national security issues can take time for declassification, redaction, or release, as appropriate.

There are, nonetheless, significant delays at many agencies. In 2003, a nongovernmental organization, the National Security Archive, looked into just how long some FOIA requests are left unfulfilled. The group found that the oldest requests dated back to the late 1980s, before the collapse of the Soviet Union. The oldest of these was a request to the FBI for information on the Bureau's activities at the University of California. First filed in November 1987, this request was partially fulfilled in 1996 after extensive litigation. According to the National Security Archive, the documents that were released revealed ''unlawful FBI intelligence activities and the efforts to cover up such conduct.'' After a 2002 article in the San Francisco Chronicle, and inquiries from Senator FEINSTEIN, the Bureau acknowledged that there were at least 17,000 pages of records that still had not been produced. Since then, some data has been released, but the requestor recently told me that he believes more than 15,000 pages remain outstanding.

This is an extreme case, but delays are commonplace. Sometimes slowdowns are caused by poorly managed or decentralized data systems that result in an agency not knowing what documents are located where. Other times, components within a single agency do not effectively communicate with one another, so that no one can say whether a request has been filled or not. Finally, we have heard anecdotal evidence of certain agencies engaging in protracted disputes over fee waivers sought by FOIA requestors. I have worked closely with the Government Accountability Office over the past few years to obtain detailed analysis of how fees are collected and how fee waiver requests are processed. The analysts at GAO have looked long and hard at these issues. I am grateful for their efforts and look forward to the results of their study later this year.

One of the problems faced by GAO, and anyone else who has looked into agency delay, is the lack of comprehensive reporting data. We address this problem in our companion bill, S.94, the Open Government Act, by calling for more detailed reporting from agencies on FOIA processing.

These issues deserve a closer look in the short term, however. In this bill, we propose to establish a commission to review agency delay and to make recommendations for reducing impediments to the efficient processing of requests. The Commission would also examine whether the system for charging fees and granting waivers should be modified.

The Commission would be made up of government and non-governmental representatives with a broad range of experience in both submitting and handling FOIA requests, in information science, and in the development of government information policy.

I understand that many requests are complex and that the resources devoted to agency FOIA processing are often lacking. Our companion bill, S. 394, the Open Government Act, addresses this issue by establishing a FOIA ombudsman requiring the Office of Personnel Management to examine how FOIA can be better implemented at the agency level. If the Commission finds that limited resources are a significant factor in slowing down the fulfillment of requests, then Congress should address the issue by increasing funding levels for FOIA processing.

I want to thank the Senator from Texas for his diligent work and flexibility in crafting a Commission structure that is balanced and fair, and that will bring extraordinary expertise to solving these nettlesome problems. I urge all of our colleagues to support the Faster FOIA Act, which has the potential to help agencies and requestors alike in the service of open government.

By Ms. COLLINS (for herself, Mr. BAYH, Mr. BURR, Mr. SANTORUM, Mr. SCHUMER, Mr. DEWINE, Mr. DURBIN, Mrs. DOLE, Mr. BYRD, Ms. MIKULSKI, Mr. GRAHAM, Mr. LIEBERMAN, Mr. PRYOR, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. BAUCUS, and Mr. LOTT):

S. 593. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Finance.

Ms. COLLINS. Mr. President, our Nation's manufacturers and their employees can compete against the best in the world, but they cannot compete against nations that provide huge subsidies and other unfair advantages to their producers. I hear from manufacturers in my State time and time again whose efforts to compete successfully in the global economy simply cannot overcome the practices of illegal pricing and subsidies of nations such as

China. The results of these unfair practices are lost jobs, shuttered factories, and decimated communities.

Consider this one example. The American residential wood furniture industry has experienced devastating losses due to surges of unfairly priced furniture imports from China. According to the U.S. Bureau of Labor, 34,700 jobs, or 28 percent of the workforce, have been lost in the U.S. furniture industry since 2000. One furniture manufacturer in Maine, Moosehead Manufacturing, was forced to eliminate a quarter of its employees due to the unfair market conditions it faces.

Unfairly priced imports from China are a leading cause in these job losses. China's wooden bedroom furniture exports to the U.S., which amounted to just $169 million in 1999, reached an estimated $1.2 billion in 2003. By subsidizing investments in furniture manufacturing facilities, China is exploiting the U.S. market to the benefit of its producers and putting our employees at an unfair advantage.

This is why I am introducing the ''Stopping Overseas Subsidies Act,'' a bill I introduced in the 108th Congress. I am pleased to be joined by my good friend and colleague from Indiana, Senator BAYH, who has worked closely with me on this legislation. This bill revises current trade remedy laws to ensure that U.S. countervailing duty laws apply to imports from non-market economies, such as China.

Our Nation's trade remedy laws are intended to give American industries and their employees relief from the effects of illegal trade practices. Unfortunately, some countries in the world choose to cheat instead of compete fairly. In these cases, U.S. industries can file petitions under U.S. trade remedy laws for relief. Under current Commerce Department practice, however, U.S. industries competing with these unfairly advantaged foreign producers can file an anti-subsidy petitions against any market economy—such as Canada or Chile—but not against a non-market economy such as China. As a result, those countries, such as China, that subsidize their industries the most heavily and cause the most injury to U.S. industries and workers are exempt from the reach of American anti-subsidy laws.

It is time that this was changed. It is simply not fair to prevent U.S. industries from seeking redress from these unfair trade practices because our trade remedy laws are outdated.

Over the past two decades, there have been significant economic changes in many of the countries classified as non-market economies. This is particularly true in China, one of our largest trading partners and the country with which the United States currently runs its largest trade deficit.

Beginning in the early 1980's and continuing today, China has undertaken major economic reforms. Today, China's economy is not completely state-controlled. Government price controls on a wide range of products have been eliminated. Many enterprises and even entire industries have been allowed to operate and compete in an economic system that has elements of a free market. And, of course, China has taken steps toward fully integrating into the global trading system by joining the World Trade Organization and by working toward the establishment of a modern commercial, financial, legal, and regulatory infrastructure.

The problem is not China's economic liberalization and modernization. The problem is this: now that China has the capacity to be a key international economic player, the country has repeatedly refused to comply with standard international trading rules and practices. And these violations include the use of subsidies and other economic incentives that are designed to give its producers an unfair competitive advantage.

Perhaps the most glaring subsidy comes in the form of currency manipulation. By keeping the Chinese yuan pegged to the U.S. dollar at artificially low levels, the Chinese undervalue the prices of their exports. Not only does this practice provide their producers with a price advantage, but also it violates International Monetary Fund and WTO rules. The Chinese government also reimburses many enterprises for their operating losses and provides loans to uncreditworthy companies.

Currently, U.S. industries have no direct recourse to combat these unfair practices. They instead must rely upon government-to-government negotiations or on the dispute settlement processes of international organizations such as the WTO. While these channels might eventually lead to relief, it usually takes years to see results—and by that time, that industry could already be decimated.

Unfair market conditions cannot continue to cause our manufacturers to hemorrhage jobs. No state understands this more than my home state of Maine. According to a recent study by the National Association of Manufacturers, on a percentage basis, Maine lost more manufacturing jobs in the previous three years than any other state. This is why organizations such as the Maine Forest Products Council and the Maine Wood Products Association have strongly endorsed my proposal.

The Stopping Overseas Subsidies bill is a bipartisan, bicameral bill that has a broad range of support across many industries and geographical areas. A companion bill is being introduced today in the House by Representatives Phil English of Pennsylvania and Artur Davis of Alabama. Last year, the Senate bill had eighteen cosponsors.

I am proud that over twenty organizations and a number of private companies, representing a range of industries, have endorsed this bill. Some of these organizations include: The American Forest & Paper Association, the National Council of Textile Organizations, the Printing Industries of America, the Steel Manufacturers Association, and the Catfish Farmers of America. Of particular note, the National Association of Manufacturers has endorsed this bill and has listed it as one of its top trade agenda items in 2005.

In addition, the United States Economic and Security Review Commission, a bipartisan organization established by Congress in 2000 to provide recommendations to Congress on the relationship between the United States and China, has endorsed the goals of this bill. In its annual report to Congress in June 2004, the Commission stated, ''U.S. policy currently prevents application of countervailing duty laws to nonmarket economy countries such as China. This limits the ability of the United States to combat China's extensive use of subsidies that give Chinese companies an unfair competitive advantage. The Commission recommends that Congress urge the Department of Commerce to make countervailing duty laws application to nonmarket economies. If Commerce does not do so, Congress should pass legislation to achieve the same effect.''

U.S. industries don't want protection—they want fair competition. Illegal subsidies distort fair competition, regardless of the economic system in which they are used. Our legislation simply levels the playing field by allowing anti-subsidy petitions to be brought against non-market economies in addition to market economies.

Countries such as China want to have all the benefits of engaging in international trading institutions and systems and continue to cheat on the system with no penalties. It is time these countries were held to the same standards as other countries around the world. I ask you to join me in supporting the SOS bill to ensure that all countries are held accountable for their trade practices.

By Mr. SPECTER:

S. 594. A bill to amend section 1114 of title 11, United States Code, to preserve the health benefits of certain retired miners; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, yesterday during consideration of the Bankruptcy Reform Act of 2005, I offered an amendment regarding a serious matter involving the guaranteed health benefits of retired coal miners and their families. Unfortunately due to an objection to the unanimous consent request for consideration of my amendment, it was not considered. Therefore, to continue my efforts on behalf of our Nation's coal miners, I have elected today to introduce the Retired Coal Miner Health Benefits Preservation Act.

This legislation would reaffirm the commitment stipulated in the Coal Act of 1992, which guaranteed health benefits to retired coal miners and their families and would clarify the lack of authority of the bankruptcy court to

modify or terminate statutory obligations required under Section 9711 of the Coal Act. This legislation is a direct response to a recent bankruptcy court proceeding in which the court determined it had the authority under Section 1114 of the Bankruptcy Code to modify the level of benefits required to be provided under Section 9711 of the Coal Act.

The Coal Act of 1992 mandated coal operators to fulfill their promise to provide their employees and families health benefits and those obligations could not be modified. As an original cosponsor to this legislation, I am intimately aware of its effect on the 14,000 retired coal miners and their dependents in Pennsylvania. Nationally, this Act effects over 60,000 individuals including every State except for Hawaii. These health benefits form a central underpinning for the medical care structure of the coal field communities. The promise of the Coal Act applied to a fixed pool of coal miners that was closed as of 1994.

Additionally, I want to note that there may be some speculation raised by my colleagues in reference to the recent bankruptcy of Horizon Natural Resources. In this particular bankruptcy proceeding, the court concluded that Section 1114 trumped the Coal Act, which is simply not the case. This or other statutory obligations cannot be undermined by the bankruptcy court. Congress intended that Section 1114 be a statutory obligation and not a contractual obligation. Therefore, this egregious court decision unfortunately trumps the true intent of the Coal Act.

Finally, I am aware that my colleague, Senator ROCKEFELLER, offered legislation in the 108th Congress to address this issue and I commend him for it. Today, I am continuing his prodigious work by introducing this legislation which reinforces what Congress intended, which was not to obstruct the statutory requirements of the Coal Act. I urge my colleagues to strongly support this legislation.

By Mr. SANTORUM (for himself, Mr. BAUCUS, Mr. SMITH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 595. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am pleased to join Senator BAUCUS in the reintroduction of the Encouraging Work Act of 2005. The Work Opportunity Tax Credit (WOTC) and Welfare-to-Work Tax Credit (W-t-W) are tax incentives that encourage employers to hire public assistance recipients and other individuals with barriers to employment. The combination of Welfare Reform passed by Congress in 1996 and the assistance to employers found in the WOTC and W-t-W has enabled expanded opportunity for many Americans. Yet more can be done. We were pleased that the Senate JOBS bill passed last year included a permanent WOTC/W-t-W provision along with helpful reforms largely supported by the Administration. Unfortunately, it was only extended in another tax relief bill. Without action by Congress WOTC and W-t-W will expire on January 1, 2006.

Under present law, WOTC provides a 40 percent tax credit on the first $6,000 of wages for those working at least 400 hours, or a partial credit of 25 percent for those working 120–399 hours. W-t-W provides a 35 percent tax credit on the first $10,000 of wages for those working 400 hours in the first year. In the second year, the W-t-W credit is 50 percent of the first $10,000 of wages earned. WOTC and W-t-W are key elements of welfare reform. A growing number of employers use these programs in the retail, health care, hotel, financial services, food, and other industries. These programs have helped over 2,700,000 previously dependent persons to find jobs.

WOTC and W-t-W eligibility is limited to: 1. Recipients of Temporary Assistance to Needy Families (TANF) in 9 of the 18 months ending on the hiring date; 2. individuals receiving Supplemental Security Income (SSI) benefits; 3. disabled individuals with vocational rehabilitation referrals; 4. veterans on food stamps; 5. individuals in households receiving food stamp benefits; 6. qualified summer youth employees; 7. low-income ex-felons; and 8. individuals age 18–24 living in empowerment zones or renewal communities. Eligibility for W-t-W is limited to individuals receiving welfare benefits for 18 consecutive months ending on the hiring date. More than 80 percent of WOTC and W-t-W hires were previously dependent on public assistance programs. These credits are both a hiring incentive—offsetting some of the higher costs of recruiting, hiring, and retaining public assistance recipients and other low-skilled individuals—and a retention incentive, providing a higher reward for those who stay longer on the job.

After eight years of experience with these programs, their value has been well demonstrated. In 2001, the GAO issued a report that indicated that employers have significantly changed their hiring practices because of WOTC. With the resources provided by WOTC, employers have provided job mentors, lengthened training periods, engaged in recruiting outreach, and listed jobs or requested referrals from public agencies or partnerships. WOTC and W-t-W have become a true public-private partnership in which the Department of Labor, the Internal Revenue Service, the states, and employers have forged excellent working relationships.

But the challenges for employers and those looking for better opportunities are real. The job skills of eligible persons leaving welfare are sometimes limited, and the costs of recruiting, training, and supervising low-skilled individuals cause many employers to look elsewhere for employees. WOTC and W-t-W are proven incentives for encouraging employers to seek employees from the targeted groups. Despite the considerable success of WOTC and W-t-W, many vulnerable individuals still need a boost in finding employment. There are several legislative changes that would strengthen these programs, expand employment opportunities for needy individuals, and make the programs more attractive to employers.

Combine WOTC and W-t-W. The Administration's FY 2006 budget proposes to simplify these important employment incentives by combining them into one credit and making the rules for computing the combined credits simpler. The credits would be combined by creating a new welfare-to-work target group under WOTC. The minimum employment periods and credit rates for the first year of employment under the present work opportunity tax credit would apply to W-t-W employees. The maximum amount of eligible wages would continue to be $10,000 for W-t-W employees and $6,000 for other target groups ($3,000 for summer youth). In addition, the second year 50-percent credit under W-t-W would continue to be available for W-t-W employees under the modified WOTC.

Eliminate Requirement to Determine Family Income for Ex-Felons. Under current law, only those ex-felons whose annual family income is 70 percent or less than the Bureau of Labor Statistics lower living standard during the six months preceding the hiring date are eligible for WOTC. The Administration's FY 2006 budget proposes to eliminate the family income attribution rule.

Permanent Extension of WOTC and W-t-W. Permanent extension would provide these programs with greater stability, thereby encouraging more employers to participate, make investments in expanding outreach to identify potential workers from the targeted groups, and avoid the wasteful disruption of termination and renewal. A permanent extension would also encourage the state job services to invest the resources needed to make the certification process more efficient and employer-friendly.

Raise the WOTC age eligibility ceiling from 24 to 39 years of age for members of food stamp households and ''high-risk youth'' living in enterprise zones or renewal communities. Current WOTC eligibility rules heavily favor the hiring of women because single mothers are much more likely to be on welfare or food stamps. Women constitute about 80 percent of those hired under the WOTC program, but men from welfare households face the same or even greater barriers to finding work. Increasing the age ceiling in the ''food stamp category'' would greatly improve the job prospects for many absentee fathers and other ''at risk''

males. This change would be completely consistent with program objectives because many food stamp households include adults who are not working, and more than 90 percent of those on food stamps live below the poverty line.

WOTC and W-t-W are also key elements of welfare reform. Employers in the retail, health care, hotel, financial services, and food industries have incorporated this program into their hiring practices and through these programs, more than 2,700,000 previously dependent persons have found work. A recent report issued by the New York State Department of Labor bears this out in economic terms. Comparing the cost of WOTC credits, taken by New York state employers during the period 1996–2003 (for a total of $192.59 million), with savings achieved through closed welfare cases and reductions in vocational rehabilitation programs and jail spending (for a total of $199.89 million), the State of New York concluded that WOTC provided net benefits to the taxpayers even without taking into account the additional economic benefits resulting from the addition of new wages.

In that regard, the New York State analysis concluded that the roughly $90 million in wages paid to WOTC workers since 1996 generated roughly $225 million in increased economic activity. Perhaps even more importantly, the study found that roughly fifty-eight percent of the TANF recipients who entered private sector employment with the assistance of WOTC stayed off welfare. I mention the New York State study because it is the first of its kind; however, I am certain that similar conclusions would be reached in the Commonwealth of Pennsylvania or any of the other forty-eight states and the District of Columbia. These programs work and do so at a net savings to taxpayers. In fact, over a 7-year period there were more than 110,000 certifications for both WOTC and W-t-W in Pennsylvania, alone enabling many to leave welfare and find private sector work. The legislation is supported by hundreds of employers throughout Pennsylvania and around the country. WOTC and W-t-W have received high praise as well from the federal government. A 2001 GAO study concluded that employers have significantly changed their hiring practices because of WOTC by providing job mentors, longer training periods, and significant recruiting outreach efforts.

WOTC and W-t-W are not traditional government jobs programs. Instead they are precisely the type of program that we should champion in a time when we need to be fiscally responsible. These are efficient and low cost public-private partnerships that have as their goal to provide a means by which individuals can transition from welfare to a lifetime of work and dignity.

The Work Opportunity Credit and Welfare-to-Work Credit have been successful in moving traditionally hard-to-employ persons off welfare and into the workforce, where they contribute to our economy. However, employer participation in these important programs can be increased, particularly among small and medium-sized employers. This is due to the complexity of the credits and the fact that they are both only temporary provisions of the tax code subject to renewal every year or two. Small, medium, and even some large employers find it difficult to justify developing the necessary infrastructure to administer and participate in these programs when their continued existence beyond one or two years is constantly in question.

This legislation will remedy this problem by combining WOTC and W-t-W into one, more easily administered tax credit, and by making it a permanent part of the tax code. Many organizations including the National Council of Chain Restaurants, National Retail Federation, Food Marketing Institute, National Association of Convenience Stores, National Restaurant Association, American Hotel & Lodging Association, National Roofing Contractors Association, National Association of Chain Drug Stores, American Nursery and Landscape Association, and the American Health Care Association support this legislaiton. Representatives JERRY WELLER R–IL, CHARLES RANGEL D–NY, and PHIL ENGLISH R–PA are introducing identical legislation in the House of Representatives. I urge my colleagues to join us in supporting this legislation.

Mr. BAUCUS. Mr. President, I am pleased to join my colleague, Senator SANTORUM, in introducing legislation to permanently extend and improve upon the Work Opportunity and the Welfare-to-Work tax credits. Last year, I was pleased to successfully add a permanent a extension of these credits to the Senate passed JOBS bill, which combined the credits and made certain improvements. When the expiring tax provisions were considered last year as part of the Working Families Tax Relief bill, I offered an amendment to combine both credits and make them permanent. While this provision was not retained in conference, I was successful in securing an extension of the current program through December 31, 2005. This extension expires at the end of this year so immediate action is needed to make these credits permanent and make several reforms in the programs to improve their effectiveness. These recurring lapses and extensions make administration of this credit burdensome both for the taxpaying employer, who cannot keep track of who is or isn't qualified, and for the IRS, which needs to ensure taxpayers are complying with the ever-shifting law.

Over the past decade, the Work Opportunity Tax Credit, WOTC, and the Welfare-to Work, W-t-W, have helped over 2.2 million public assistance dependent individuals enter the workforce. Both of these important programs are scheduled to expire on December 31, 2005. These hiring tax incentives have clearly demonstrated their effectiveness in helping to level the job selection playing field for low-skilled individuals by providing employers with additional resources to help recruit, select, train and retain individuals with significant barriers to work. Many vulnerable individuals still need a boost in finding employment, and this is particularly critical during periods of high unemployment. The weak economy and rising unemployment give employers many more hiring options because of the larger pool of experienced laid-off workers. Without an extension of these programs, the task of transitioning from welfare-to-work will become even harder for individuals who reach their welfare eligibility ceiling.

Because of the costs involved in setting up and administering a WOTC/W-t-W program, employers have established massive outreach programs to maximize the number of eligible persons in their hiring pool. The States, in turn, have steadily improved the programs through improved administration. WOTC has become an example of a true public-private partnership design to assist the most needy applicants. Without the additional resources provided by these hiring tax incentives, few employers would actively seek out this hard-to-employ population.

WOTC provides employers with a graduated tax credit equal to 25-percent of the first $6,000 in wages for eligible individuals working between 120 hours and 399 hours and a 40-percent tax credit on the first $6,000 in wages for those working over 400 hours. The W-t-W tax credit is geared toward long-term welfare recipients and provides a 35-percent tax credit on the first $10,000 in wages during the first year of employment and a 50-percent credit on the first $10,000 for those who stay on the job a second year.

In my own State of Montana, many businesses take advantage of this program, including large multinational firms and smaller family-owned businesses. Those who truly benefit from the WOTC/W-t-W program, however, are low-income families, under the Food Stamp Program, the Aid to Families with Dependent Children, AFDC, and Temporary Assistance for Needy Families, TANF, programs, and also low-income U.S. Veterans. In Montana, more than 1,000 people were certified as eligible under the WOTC program during an 18-month period, October 2001 through March 2003, including 476 Food Stamp recipients, 475 AFDC/TANF recipients, and 52 U.S. veterans.

The bill we are introducing provides for a permanent program extension of the two credits. After a decade of experience with WOTC and W-t-W, we know that employers do respond to these important hiring tax incentives. Permanent extension would provide these

programs with greater stability, thereby encouraging more employers to participate, make investments in expanding outreach to identify potential workers from the targeted groups, and avoid the wasteful disruption of termination and renewal A permanent extension would also encourage the state job services to invest the resources needed to make the certification process more efficient and employer-friendly.

The bill also includes a proposal to simplify the programs by combining them into one credit and making the rules for computing the combined credits simpler. This would be accomplished by creating a new welfare-to-work target group under WOTC. The minimum employment periods and credit rates for the first year of employment under present work opportunity tax credit would apply to W-t-W employees. The maximum amount of eligible wages would continue to be $10,000 for W-t-W employees. In addition, the second year 50-percent credit under W-t-W would continue to be available for W-t-W employees under the modified WOTC.

Finally, there are other changes in the bill that would extend these benefits to more people and help them find work. Because of the program's eligibility criteria, over 80 percent of those hired are women leaving welfare. Since men are not eligible for TANF benefits unless they are parenting their kids, the fathers of children on welfare receive little help in finding work, even though they often face barriers to work just as women on welfare do. We propose to help absentee fathers find work and provide the resources to assume their family responsibilities by opening up WOTC eligibility to anyone 39 years old or younger in families receiving food stamps or residing in enterprise zones or empowerment communities. Raising the eligibility limits in these two categories will extend eligibility to hundreds of thousands of at-risk men.

I urge my colleagues to support this important piece of legislation.

By Mr. THOMAS:

S. 596. A bill to reform the nation's outdated laws relating to the electric industry, improve the operation of our transmission system, enhance reliability of our electric grid, increase consumer benefits from wholesale electric competition and restore investor confidence in the electric industry; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, today, I rise to introduce the ''Electric Transmission and Reliability Enhancement Act of 2005''. It is my intention to build on the competitive wholesale open access policies adopted by the Congress in the 1992 Energy Policy Act. My legislation would extend and improve these open, non-discriminatory access policies; remove antiquated federal statutory barriers that stand in the way of competitive wholesale markets; encourage increased investment in our transmission system and establish enforceable reliability standards to help ensure the continued reliability of the interstate transmission system.

The Congress has been debating how to update the antiquated statutory and regulatory framework governing the electric industry for over eight years. We repeatedly have tried and failed to enact legislation that would provide the right economic signals and regulatory certainty necessary for industry and wholesale market modernization. The loser in all of this has been the consumer, who has been denied the full benefits that access provides to fairly priced, reliable supplies of power. I have come to the conclusion that if we are to legislate successfully, we will have to pare down our wish list to the bare essentials plus those issues necessary for the electric industry to attract the capital it needs to keep our lights on and ensure that customers pay no more for their power than is fair and necessary.

It seems clear that if truly competitive wholesale markets are to exist, there is a need to ensure that all industry participants play by the same rules. While the Federal Energy Regulatory Commission has tried to ensure this, the Commission's tools are limited. Only Congress can give FERC the tools it needs to ensure that all industry participants in competitive wholesale markets play by the same rules.

Under present federal law FERC has no jurisdiction or authority over transmission facilities owned by public power agencies, municipalities and cooperatives. In the West these types of entities own a substantial portion, perhaps as much as half of the interstate electric transmission system. As a matter of fact, in the Western Electric Coordinating Council, an area that encompasses all or part of 11 Western states and parts of Canada, non-FERC jurisdictional facilities account for 52 percent of transmission miles.

My legislation would permit FERC to require certain nonregulated utilities to offer transmission service at comparable rates to those they charge themselves, and on terms and conditions comparable to those applicable to jurisdictional public utilities. Currently nonregulated transmitting utilities would not be subject to the full panoply of FERC regulation under this provision. Instead, a ''light handed'' form of regulation would apply and small nonregulated entities, such as those that sell less than 4,000,000 MW/h per year, would be entirely exempt from these nondiscrimination requirements.

It also seems clear that the Public Utility Holding Company Act is hindering necessary restructuring of the industry and the deployment of capital into an industry that desperately needs it. Investors are deterred simply because they do not want to deal with the PUHCA rules and restrictions. If repealed, utility securities will continue to be regulated by the SEC, FERC and most state commissions. Mergers and acquisitions of jurisdictional assets would still require FERC and state commission approval and review by the Department of Justice, DOJ, and the Federal Trade Commission, FTC. FERC and state commissions would still be able to monitor rates and prevent cross-subsidies.

Despite State progress in administering the Public Utility Regulatory Policies Act of 1978, it is clear that PURPA continues to provide special privileges to certain favored generators at the expense of utilities and their customers. Like PUHCA, PURPA is no longer needed in today's competitive wholesale markets. My legislation prospectively eliminates the mandatory purchase and sell obligations of PURPA.

Over the years the grid has been well protected through voluntary standards established by the North American Electric Reliability Council. NERC's voluntary reliability standards—which are not enforceable—have generally been complied with by the electric power industry. But with the opening of the wholesale power market to competition, our transmission grid is being used in ways for which it was not designed. New system strains are also being created by the break-up of vertically integrated utilities and by the emergence of new market structures and participants. The results of these changes have been an increase in the number and severity of violations of NERC's voluntary rules.

My legislation converts the existing NERC voluntary reliability system into a mandatory reliability system. A North America-wide organization would have the authority to establish and enforce reliability standards, and take into account regional differences. The new reliability organization will be run by market participants, and will be overseen by the FERC in the U.S. The organization will be made up of representatives of everyone who is affected—residential, commercial and industrial consumers; State public utility commissions; independent power producers; electric utilities and others. There is no question that we need a new system to safeguard the integrity of our electric grid. My legislation would do this, using language that was agreed upon in the last Congress by House and Senate conferees for the energy bill.

During the last energy debate, efforts were made to address some of the more egregious behavior and attempted market manipulation by certain entities through legislation. While this area is obviously very complex, we need to address this issue if regulatory gaps truly do exist. I realize my attempt might not be perfect, but I wanted to initiate discussion on this very important topic if in fact regulatory agencies do need additional authority to police and monitor the industry.

My legislation will provide more information on prices of electricity and

transmission availability, outlaw the practice of round trip trading and prohibit reporting of false information for the purpose of manipulating price indices. In addition I've included authority the FERC has requested and that would increase civil and criminal penalties for violation of the Federal Power Act and accelerate the refund effective date to the date of filing of a complaint.

In the end it's about the consumer. It is my hope and vision that this legislation will produce a more reliable and efficient transmission system and that these improvements will result in more dependable and affordable electricity for all consumers.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 596

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 ''Electric Transmission and Reliability Enhancement Act of 2005''.

TITLE I—TRANSMISSION IMPROVEMENT

SEC. 101. OPEN NON-DISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following:

''OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

''SEC. 211A. (a) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

''(1) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

''(2) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

''(b) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

''(1) sells no more than 4,000,000 megawatt hours of electricity per year;

''(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

''(3) meets other criteria the Commission determines to be in the public interest.

''(c) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

''(d) In exercising its authority under paragraph (1) of subsection (a), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

''(e) The provision of transmission services under subsection (a) does not preclude a request for transmission services under section 211.

''(f) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

''(g) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

''(1) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

''(2) is either an entity described in section 201(f) or a rural electric cooperative.''.

SEC. 102. FEDERAL AGENCY COORDINATION.

The Department of Energy shall be the lead agency for conducting environmental review (for purposes of the National Environmental Policy Act of 1969) of the establishment and modification of electric power transmission corridors across federal lands. The Secretary of Energy shall coordinate with Federal agencies, including Federal land management agencies, to ensure the timely completion of environmental reviews pertaining to such corridors and may set deadlines for the completion of such reviews. For purposes of this section, the term ''Federal land management agencies'' means the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the Department of Defense. For purposes of this section, ''Federal lands'' means all lands owned by the United States except lands in the National Park System or the national wilderness preservation system, or such other lands as the President may designate.

SEC. 103. PRIORITY FOR RIGHTS-OF-WAY ACROSS FEDERAL LANDS.

Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding the following new subsection at the end thereof:

''(e) In administering the provisions of this title, the Secretary of the Interior and the Secretary of Agriculture shall each give a priority to applications for rights of way for electric power transmission corridors.''.

SEC. 104. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following new section at the end thereof:

''SEC. 215. ELECTRIC RELIABILITY.

''(a) DEFINITIONS.—For purposes of this section—

''(1) The term 'bulk-power system' means—

''(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

''(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(6) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(7) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

''(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization (ERO). The Commission may certify one such ERO if the Commission determines that such ERO—

''(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system;

''(2) has established rules that—

''(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

''(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

''(2) The Commission may approve by rule or order a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification

to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

''(A) the Commission finds a conflict exists between a reliability standard and any such provision;

''(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

''(C) the ordered change becomes effective under this part. If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

''(e) ENFORCEMENT.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the Electric Reliability Organization files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the Electric Reliability Organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the Electric Reliability Organization for further proceedings. The Commission shall implement expedited procedures for such hearings.

''(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

''(4) The Commission shall establish regulations directing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(A) the regional entity is governed by an independent, balanced stakeholder, or combination independent and balanced stakeholder board;

''(B) the regional entity otherwise satisfies the provisions of subsection (c)(l) and (2); and

''(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

''(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATION RULES.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the Electric Reliability Organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

''(g) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the Electric Reliability Organization in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The Electric Reliability Organization shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) This section does not authorize the Electric Reliability Organization or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the Electric Reliability Organization.

''(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

''(j) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

''(k) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.''.

TITLE II—ELIMINATION OF COMPETITIVE BARRIERS

Subtitle A—Provisions Regarding the Public Utility Holding Company Act of 1935

SEC. 201. DEFINITIONS.

For the purposes of this subtitle:

(1) The term ''affiliate'' of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term ''associate company'' of a company means any company in the same holding company system with such company.

(3) The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) The term ''company'' means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term ''electric utility company'' means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms ''exempt wholesale generator'' and ''foreign utility company'' have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term ''gas utility company'' means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) the term ''holding company'' means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term ''holding company system'' means a holding company, together with its subsidiary companies.

(10) The term ''jurisdictional rates'' means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term ''natural gas company'' means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term ''person'' means an individual or company.

(13) The term ''public utility'' means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term ''public utility company'' means an electric utility company or a gas utility company.

(15) The term ''State commission'' means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term ''subsidiary company'' of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term ''voting security'' means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 202. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a and following) is repealed, effective 12 months after the date of enactment of this Act.

SEC. 203. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 204. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, and subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information, a holding company or any associate company or affiliate thereof, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, or other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, or other records, under Federal law, contract, or otherwise.

(c) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 205. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Commission shall promulgate a final rule to exempt from the requirements of section 203 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility company or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility company, the Commission shall exempt such person or transaction from the requirements of section 203.

SEC. 206. AFFILIATE TRANSACTIONS.

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company, public utility, or natural gas company from an associate company.

SEC. 207. APPLICABILITY.

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of such officer, agent, or employee's official duty.

SEC. 208. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 209. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 210. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal

Power Act (16 U.S.C. 791a and following) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 and following) (including section 8 of that 1 Act).

SEC. 211. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this Act, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle; and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 212. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 213. EFFECTIVE DATE.

This subtitle shall take effect 12 months after the date of enactment of this Act.

SEC. 214. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

Subtitle B—Provisions Regarding The Public Utility Regulatory Policies Act of 1978

SEC. 215. PROSPECTIVE REPEAL OF SECTION 210.

(a) NEW CONTRACTS.—After the date of enactment of this Act, no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electric energy or capacity pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3).

(b) EXISTING RIGHTS AND REMEDIES NOT AFFECTED.—Nothing in this Act affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility determined to be a qualifying small power production facility or a qualifying cogeneration facility under section 210 of the Public Utility Regulatory Policies Act of 1978 pursuant to any contract or obligation to purchase or to sell electric energy or capacity in effect on the date of enactment of this Act, including the right to recover the costs of purchasing such electric energy or capacity.

SEC. 216. RECOVERY OF COSTS.

In order to assure recovery by electric utilities purchasing electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this Act, of all costs associated with such purchases, the Commission shall promulgate and enforce such regulations as may be required to assure that no such electric utility shall be required directly or indirectly to absorb the costs associated with such purchases from a qualifying facility. Such regulations shall be treated as a rule enforceable under the Federal Power Act (16 U.S.C. 791a-825r).

SEC. 217. DEFINITIONS.

For purposes of this subtitle, the terms ''Commission'', ''electric utility'', ''qualifying cogeneration facility'', and ''qualifying small power production facility'', shall have the same meanings as provided in the Public Utility Regulatory Policies Act of 1978, and the term ''qualifying facility'' shall mean either a qualifying small production facility or a qualifying cogeneration facility as defined in such Act.

TITLE III—MARKET TRANSPARENCY, ANTI-MANIPULATION AND ENFORCEMENT

Subtitle A—Market Transparency, Anti-Manipulation And Enforcement

SEC. 301. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is amended by adding after section 215 as added by this Act the following:

''SEC. 216. MARKET TRANSPARENCY RULES.

''(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction. Such systems shall provide statistical information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

''(b) INFORMATION REQUIRED.—The Commission shall require—

''(1) each regional transmission organization or, where no regional transmission organization is operating, each transmitting utility to provide information about the available capacity of transmission facilities operated by the organization or transmitting utility; and

''(2) each regional transmission organization or broker or exchange to provide aggregate information about the amount and price of physical sales of electric energy at wholesale in interstate commerce it transacts.

''(c) DEFINITION.—For purposes of this section, the term 'broker or exchange' means an entity that matches offers to sell and offers to buy physical sales of wholesale electric energy in interstate commerce.

''(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure information it determines would, if disclosed, be detrimental to the operation of an effective market.''

SEC. 302. MARKET MANIPULATION.

(a) Part II of the Federal Power Act is amended by adding after section 216 as added by this Act the following:

''SEC. 217. PROHIBITION ON FILING FALSE INFORMATION.

''It shall be a violation of this Act for any person willfully and knowingly to report any information relating to the price of electricity sold at wholesale, which information the person knew to be false at the time of the reporting, to any governmental or nongovernmental entity and with the intent to manipulate the data being compiled by such entity.''

''SEC. 218. PROHIBITION ON ROUND TRIP TRADING.

''(a) PROHIBITION.—It shall be a violation of this Act for any person willfully and knowingly to enter into any contract or other arrangement to execute a ''round-trip trade'' for the purchase or sale of electric energy at wholesale.

''(b) DEFINITION OF ROUND-TRIP TRADE.—For the purposes of this section, the term 'round trip trade' means a transaction, or combination of transactions, in which a person or other entity—

''(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

''(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same such electric energy, at the same location, price, quantity and terms so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and

''(3) enters into the contract or arrangement with the intent to deceptively affect reported revenues, trading volumes, or prices.''

SEC. 303. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting ''electric utility,'' after ''Any person,''; and

(2) inserting ''transmitting utility,'' after ''licensee'' each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting ''or transmitting utility'' after ''any person'' in the first sentence

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting ''electric utility,'' after ''Any person,'' in the first sentence.

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 8250) is amended—

(1) in subsection (a), by striking ''$5,000'' and inserting ''$1,000,000'', and by striking ''two years'' and inserting ''five years'';

(2) in subsection (b), by striking ''$500'' and inserting ''$25,000''; and (3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 8250–1) is amended—

(1) in subsections (a) and (b), by striking ''section 211, 212, 213, or 214'' each place it appears and inserting ''Part II''; and

(2) in subsection (b), by striking ''$10,000'' and inserting ''$1,000,000''.

Subtitle B—Refund Effective Date

SEC. 304. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking ''the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period'' in the second sentence 28 and inserting ''the date of the filing of such complaint nor later than 5 months after the filing of such complaint'';

(2) striking ''60 days after'' in the third sentence and inserting ''of';

(3) striking ''expiration of such 60-day period'' in the third sentence and inserting ''publication date''; and

(4) striking the fifth sentence and inserting in lieu thereof: ''If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.''

By Mr. INOUYE:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for Native Hawaiians and further provides authority for access to loan guarantees

associated with the construction of housing to serve Native Hawaiians.

Three studies have documented the acute housing needs of Native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same studies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing opportunities that are comparable to those now enjoyed by other Americans.

I would ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 598

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

SECTION 1. REAUTHORIZATION.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''fiscal years'' and all that follows and inserting ''fiscal years 2006 through 2009''.

By Mr. CONRAD:

S. 601. A bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation to correct an injustice in the Internal Revenue Code that is negatively affecting our troops.

I recently received an e-mail from an active-duty Airman who expressed his dismay that he has been told the law requires him to withdraw the money he had contributed to an IRA previously in the year. Here is what he told me:

> I am an active-duty member of the military who has been deployed so much that I have not paid taxes for more than a year now. I also had been contributing to a Roth-IRA. I've been told by tax professionals that I will have to withdraw my contributions because I do not show a taxable income. I've been deployed and put in harm's way many times last year and I am not allowed legally to contribute to an IRA like any other average American.
>
> This is an injustice to the soldiers that work so hard under hard conditions. There are thousands of soldiers that are going to be told to take their IRA contributions out since they have been deployed twelve months. This is a slap in the face for those soldiers who have put themselves in danger.

This injustice results from an unintended, but undeniably unjust, interaction between combat pay and IRA rules. Under IRA contribution rules, you can only contribute to a tax-favored retirement account if you have taxable income for the year. Military personnel deployed for a full calendar year or more, however, may have no taxable income because their earnings while serving in a combat zone are excluded from taxation. These troops are therefore prohibited by law from contributing income to an IRA because, technically, they have not earned taxable income.

This is indeed an injustice. This is no way to treat the men and women who have been deployed to combat zones in Iraq and Afghanistan for long periods of time. Rather than discouraging our troops from saving for retirement, we should take steps to ensure that they have the same access to tax-favored retirement savings programs as the rest of us.

I ask my colleagues to join me in correcting this injustice. The bill I am introducing today simply amends the Internal Revenue Code to allow our dedicated military service men and women to contribute to lRAs, regardless of their deployment status.

My bill presents an opportunity for the United States Senate to support retirement savings and our brave military personnel. This is a win-win for all involved. I hope my colleagues will join me in correcting this injustice and send this bill to the President for his quick signature.

By Ms. MIKULSKI (for herself, Mr. BOND, Mrs. CLINTON, Mr. WARNER, Ms. COLLINS, Mr. KENNEDY, Mr. WYDEN, Mr. SARBANES, Mr. JOHNSON, Mr. NELSON of Florida, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, Mr. KOHL, Mr. LEAHY, Mr. DURBIN, Mrs. BOXER, Mr. DODD, Mr. TALENT, Mr. LIEBERMAN, Mrs. DOLE, Mr. HAGEL, Mr. LUGAR, Mr. COLEMAN, Mrs. MURRAY, Mr. HARKIN, Ms. CANTWELL, Mr. BAYH, and Mr. ROCKEFELLER):

S. 602. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to speak of the life, leadership and the truly remarkable legacy of the 40th President of the United States, Ronald Reagan.

President Reagan was a great communicator with a powerful message. He preached the gospel of hope, freedom and opportunity not just for America but for the world. Reagan was a genuinely optimistic person who brought that spirit of optimism and hope to the American people and to enslaved peoples around the world. He was a man who took disappointment and moved on. He was a man of unfailing good humor, care and thoughtfulness. Even people who disagreed with his policies across the board could not help but like him.

In the U.S., his policies encouraged the return of more tax dollars to average Americans and unfettered entrepreneurship to create jobs and build the economy. Reagan's strong military opposition to the Soviet Union helped bring down the walls that harbored communism and tyranny throughout Eastern Europe and much of the world.

In a letter to the American people in 1994 Ronald Reagan announced he was one of the millions of Americans with Alzheimer's disease. One of the most courageous things Ronald and Nancy Reagan did was to announce publicly that he had Alzheimer's disease. Through their courage and commitment, the former President and his wife, Nancy, changed the face of Alzheimer's disease by increasing public awareness of the disease and of the need for research into its causes and prevention.

In honor of Ronald Reagan, today my colleague Senator MIKULSKI and I are introducing the Ronald Reagan Alzheimer's Breakthrough Act. This bill will increase research for Alzheimer's and increase assistance to Alzheimer patients and their families. This bill will serve as a living tribute to President Reagan and will: 1. Double funding for Alzheimer's Research at the National Institute of Health; 2. increase funding for the National Family Caregiver Support Program from $153 million to $250 million; 3. reauthorize the Alzheimer's Demonstration Grant Program that provides grants to states to fill in gaps in Alzheimer's services such as respite care, home health care, and day care; 4. authorize $1 million for the Safe Return Program to assist in the identification and safe, timely return of individuals with Alzheimer's disease and related dementias who wander off from their caregivers; 5. establish a public education campaign to educate members of the public about prevention techniques that can ''maintain their brain'' as they age, based on the current research being undertaken by NIH; 6. establish a $3,000 tax credit for caregivers to help with the high health costs of caring for a loved one at home; and 7. encourage families to prepare for their long term needs by providing an above-the-line tax deduction for the purchase of long term care insurance.

Ironically it was President Reagan who drew national attention to Alzheimer's for the very first time when he launched a national campaign against Alzheimer's disease some 22 years ago.

In 1983 President Reagan proclaimed November as National Alzheimer's Disease Month. In his proclamation President Reagan said ''the emotional, financial and social consequences of Alzheimer's disease are so devastating that it deserves special attention. Science and clinical medicine are striving to improve our understanding of what causes Alzheimer's disease and how to treat it successfully. Right now, research is the only hope for victims and families.''

Today, approximately 4.5 million Americans have Alzheimer's, with annual costs for this disease estimated to exceed $100 billion. Today there are more than 4.5 million people in the United States with Alzheimer's, and that number is expected to grow by 70 percent by 2030 as baby boomers age.

In my home State of Missouri, alone, there are over 110,000 people with Alzheimer's disease. Based on population growth, unless science finds a way to prevent or delay the onset of this disease, that number will increase to over 130,000 by 2025—that is an 18 percent increase.

In large part due to President Reagan, there has been enormous progress in Alzheimer research—95 percent of what we know we discovered during the past 15 years. There is real potential for major breakthroughs in the next 10 years. Baby boomers could be the first generation to face a future without Alzheimer's disease if we act now to achieve breakthroughs in science.

President and Mrs. Reagan have been leading advocates in the fight against Alzheimer's for more than 20 years, and millions of Americans have been helped by their dedication, compassion and effort to support caregivers, raise public awareness about Alzheimer's disease and increase of nation's commitment to Alzheimer's research.

This bill will serve as a living tribute to President Reagan and will offer hope to all those suffering from the disease today. As we celebrate the life and legacy of Ronald Reagan, we are inspired by his legendary optimism and hope, and today we move forward to confront this expanding public health crisis with renewed vigor, passion, and compassion.

Ms. COLLINS. Mr. President, as the Senate co-chair of the Bipartisan Task Force on Alzheimer's Disease, I am pleased to join Senators BOND and MIKULSKI in introducing the Ronald Reagan Alzheimer's Breakthrough Act of 2005.

Alzheimer's is a devastating disease that takes a tremendous personal and economic toll on both the individual and the family. As someone whose family has experienced the pain of Alzheimer's, I know that there is no more helpless feeling than to watch the progression of this dreadful disease. It is an agonizing experience to look into the eyes of a loved one only to receive a confused look in return.

Ronald Reagan had a profound effect on our Nation in many ways during his Presidency. But what many of us will remember most is the grace and dignity with which he and his wife Nancy faced the final battle against Alzheimer's—the one campaign they knew he wouldn't win.

Ironically, it was President Reagan who first drew national attention to Alzheimer's disease when he launched a national campaign against the disease some 22 years ago. In 1983, President Reagan proclaimed November as National Alzheimer's Disease Month. In his proclamation, President Reagan said: ''The emotional, financial and social consequences of Alzheimer's disease are so devastating that it deserves attention. Science and clinical medicine are striving to improve our understanding of what causes Alzheimer's disease and how to treat it successfully. Right now, research is the only hope for victims and their families.''

An estimated 4.5 million Americans have Alzheimer's disease, more than double the number in 1980. Moreover, Alzheimer's disease costs the United States more than $100 billion a year, primarily in nursing home and other long-term care costs. This figure will only increase exponentially as the baby boom generation ages. As the baby boomers move into the years of highest risk for Alzheimer's disease, a strong and sustained research effort is our best tool to slow down the progression and prevent the onset of this terrible disease.

Our investments in Alzheimer's disease research have begun to pay dividends. Effective treatments for Alzheimer's disease and a possible vaccine are tantalizingly within our grasp. Moreover, if scientists can find a way to delay the onset of this devastating disease for even five years, our Nation will save at least $50 billion in annual health and long-term care costs and an incalculable amount in human suffering.

If we are to keep up the momentum we have established, we must increase our investment in Alzheimer's disease research. Millions of Americans, including the families of Alzheimer patients, are profoundly grateful for our historic accomplishment of doubling funding for biomedical research at the National Institutes of Health. We have made tremendous progress, but more must be done. The bill we are introducing today therefore doubles the authorization levels for Alzheimer's research at the NIH from the current funding level of $700 million to $1.4 million.

In addition to increasing funding for research, our bill provides much needed support for Alzheimer's patients and their families by increasing funding for the National Family Caregiver Support Program and by providing a tax credit of up to $3,000 to help families meet the costs of caring for a loved one with long-term care needs.

The Ronald Reagan Alzheimer's Breakthrough Act of 2005 will serve as a living tribute to President Reagan and will offer hope to all of those suffering from the disease today. It is now time for Congress to pick up the banner and pass this important legislation, and I urge all of my colleagues to sign on as cosponsors.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 79—EXPRESSING THE SENSE OF THE SENATE IN MARKING THE DEDICATION ON MARCH 15, 2005, OF THE EXPANDED MUSEUM COMPLEX AT YAD VASHEM, THE HOLOCAUST MARTYRS AND HEROES REMEMBRANCE AUTHORITY IN ISRAEL, IN FURTHERANCE OF YAD VASHEM'S MISSION TO DOCUMENT THE HISTORY OF THE JEWISH PEOPLE DURING THE HOLOCAUST, TO PRESERVE THE MEMORY AND STORY OF EACH OF THE VICTIMS, IMPART THE LEGACY OF THE HOLOCAUST TO FUTURE GENERATIONS, AND RECOGNIZE THE RIGHTEOUS AMONG THE NATIONS

Mr. CORZINE (for himself and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 79

Whereas 6,000,000 Jews were slaughtered in the Holocaust solely because of the faith into which they were born;

Whereas the Holocaust is seared into the world's memory as the quintessential expression of the evil of anti-Semitism;

Whereas Yad Vashem has become the world's university devoted to exposing the evil of anti-Semitism;

Whereas Yad Vashem's archives contain the largest and most comprehensive repository of material on the Holocaust in the world, containing 62,000,000 pages of documents, nearly 267,500 photographs, thousands of films and videotaped testimonies of survivors, and the Righteous Among the Nations (non-Jews who risked their lives to save Jewish people during the Holocaust), all accessible to the public;

Whereas those archives are the witness to both inexplicable acts of cruelty and daily acts of courage;

Whereas the history of the Holocaust, as embodied at Yad Vashem, represents the depths to which humanity can descend and the heights to which it can soar;

Whereas to ensure that Holocaust commemorations in future generations among both Jews and non-Jews have relevance and meaning, Yad Vashem has undertaken an extraordinary expansion of its facilities;

Whereas the centerpiece of this expansion is the new Holocaust History Museum building designed by world-renowned architect Moshe Safdie;

Whereas a central role in bringing the Holocaust History Museum to fruition was played by Holocaust survivor Joseph Wilf of New Jersey and his family;

Whereas through this new museum, Yad Vashem honors the lives of the victims and the Righteous Among the Nations in perpetuity;

Whereas the unique buildings and archives of Yad Vashem ensure that we, our children, and their children will never forget; and

Whereas the Israeli Knesset established Yad Vashem in 1953, founded on the biblical injunction set forth in Isaiah, chapter 56, verse 5: ''And to them will I give in my house and within my walls a memorial and a name (a 'yad vashem') . . . an everlasting name which shall not perish,'' and, for more than 50 years, Yad Vashem has steadfastly fulfilled this purpose: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) Yad Vashem as a trustee of the World's conscience, so that the meaning of ''never again'' becomes the living foundation of our collective humanity; and

(2) that March 15, 2005, the date of the dedication of Yad Vashem's expanded facilities, is a date of historical significance that will be remembered as such by future generations.

SENATE RESOLUTION 80—HONORING THE LIFE OF FERN HOLLAND AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HER FAMILY ON THEIR LOSS

Ms. LANDRIEU (for herself, Ms. MURKOWSKI, Mr. SARBANES, and Mrs. CLINTON) submitted the following resolution, which was considered and agreed to:

S. RES. 80

Whereas the Senate remembers with great sadness the murder of Fern Holland near the Iraqi city of Karbala at the age of 33 on March 9, 2004;

Whereas Fern Holland, born in Bluejacket, Oklahoma, on August 5, 1970, lived her life committed to creating the most equal and just global society possible;

Whereas Fern Holland graduated with honors in psychology at Oklahoma University and actively sought to help the world through caring for children dying of nuclear-related diseases in Russia and teaching kids in a squatter camp in South Africa;

Whereas in the spring of 2000, Fern Holland worked for the Peace Corps as a human rights legal advisor in West Africa;

Whereas in 2003, Fern Holland went to investigate alleged human rights violations for the American Refugee Committee at a refugee camp in Guinea where she established a legal clinic to seek justice for victims of human rights violations, and which, at the time of her death in 2004, had handled 118 cases on behalf of victims of human rights violations;

Whereas in May 2003, Fern Holland went to Iraq as a United States Agency for International Development employee to work for women's rights;

Whereas in Iraq, Fern Holland organized human rights groups, opened 6 women's centers in south Baghdad, and acted as a strong advocate for Iraqi women's rights;

Whereas after Fern Holland's death, leading feminists from the National Organization for Women, the Feminist Majority Foundation, and the National Council of Women's Organizations issued statements praising her work;

Whereas residents of the refugee camp in Guinea renamed the legal clinic Fern Holland established the ''Fern Holland Legal Aid Clinic of Nzerekore'';

Whereas the high school Fern Holland attended in Miami, Florida observed a moment of silence and then discussed a memorial to honor her;

Whereas the Cherokee Nation honored Fern Holland by passing a resolution saying she ''died as a warrior'';

Whereas Fern Holland was posthumously named a Heroic Oklahoman on April 7, 2004, by Governor Brad Henry; and

Whereas Fern Holland devoted her brief life to promoting her belief in basic human rights and the rule of law: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, in Fern Holland, the World has lost one of its most devoted and hard working human rights activists;

(2) honors Fern Holland in her extreme dedication to making the world a better place; and

(3) expresses its deep and heartfelt condolences to the family of Fern Holland on their loss.

SENATE RESOLUTION 81—RECOGNIZING THE CONTRIBUTION OF CHRIS LEDOUX TO COUNTRY MUSIC

Mr. BURNS (for himself, Mr. THOMAS, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 81

Whereas Chris LeDoux, a former rodeo world champion in bareback riding and country music star, died on March 9, 2005;

Whereas Chris LeDoux was born in Biloxi, Mississippi, in 1948;

Whereas Chris LeDoux won the Wyoming State Rodeo Championship in high school, continued riding in college, earning a rodeo scholarship, and rode professionally, winning the bareback championship at the National Rodeo Finals;

Whereas Chris LeDoux made important contributions to the country music community, through songs such as ''Whatcha Gonna Do With a Cowboy'' and ''Much Too Young to Feel this Damn Old'';

Whereas Chris LeDoux worked with well-known artists throughout his career, such as Garth Brooks and Charlie Daniels: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of Chris LeDoux to country music;

(2) has heard with profound sorrow and deep regret of the death of Chris LeDoux; and

(3) directs the Secretary of the Senate transmit enrolled copies of this resolution to the House of Representatives and the family of Chris LeDoux.

SENATE CONCURRENT RESOLUTION 17—CALLING ON THE NORTH ATLANTIC TREATY ORGANIZATION TO ASSESS THE POTENTIAL EFFECTIVENESS OF AND REQUIREMENTS FOR A NATO-ENFORCED NO-FLY ZONE IN THE DARFUR REGION OF SUDAN

Mr. BIDEN (for himself, Mr. CORZINE, Mr. FEINGOLD, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 17

Whereas the Government of Sudan continues to commit crimes against humanity and engage in genocidal acts in the Darfur region of Sudan;

Whereas the signing of the Comprehensive Peace Agreement between the government in Khartoum and the Sudanese People's Liberation Army on January 9, 2005, has not resulted in an improvement of the security situation in Darfur;

Whereas, on January 26, 2005, the Government of Sudan bombed the village of Rahad Kabolong in the state of North Darfur, killing an estimated 100 people;

Whereas, in February of 2005, the African Union reported that the security situation in Darfur had deteriorated over the course of the previous four months;

Whereas, in March 2005, Doctors Without Borders issued a report that stated that rape of women in Darfur continues unabated;

Whereas United Nations officials have stated that at least 70,000 people have died due to violence and insecurity in Darfur, but that the total is likely higher;

Whereas, according to the United Nations, the number of people internally displaced due to the conflict in Darfur has risen over the past year to nearly 1,850,000, and over 200,000 people are refugees in neighboring Chad;

Whereas aid organizations believe that approximately 1,000 people per day are dying as a direct and indirect result of the conflict in Darfur;

Whereas neither the mandate nor the troop strength of the African Union Mission in Sudan is adequate to protect civilians in that country; and

Whereas all members of the international community must participate in efforts to stop genocide, war crimes, and crimes against humanity in Darfur: Now, therefore, be it

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

(1) strongly condemns the continued attacks on civilians in Darfur;

(2) calls on all parties to abide by the terms of the April 8, 2004, N'Djamena cease-fire agreement;

(3) calls on the Government of Sudan to immediately withdraw all military aircraft from the region and disarm the janjaweed militias;

(4) commends the Africa Union Mission in Sudan for its actions to date in monitoring the implementation of the N'Djamena cease-fire agreement in Darfur;

(5) urges the President to immediately direct the United States Permanent Representative to the North Atlantic Treaty Organization to propose in the North Atlantic Council that NATO assess and report to members on the potential effectiveness of and requirements for a NATO-enforced no-fly zone across the Darfur region of Sudan; and

(6) calls upon NATO allies to support the dispatch of such an assessment mission.

Mr. BIDEN. Mr. President, the second reason I rise is literally a coincidental but important offshoot of what Christopher Dodd, Senator DODD's father, did at the Nuremberg Trials. What they did—he and Justice Jackson—was they understood that you could uncover, deal with, and expose to the world atrocities humanity commits upon humanity and at the same time do it under the rule of law, give people a fair trial, actually abide by what we say we stand for.

All of us are aware of the genocide now taking place in the Darfur region of Sudan. We passed a resolution last July which called Khartoum's abuses in Darfur genocide, which is what they were, what they are, and what they continue to be. The then-Secretary of State Colin Powell made the same assessment in testimony before the Senate Foreign Relations Committee in September of 2004.

The President of the United States, President Bush, signed legislation imposing sanctions on Khartoum for the actions in Darfur this past December. With the signing of the North-South Peace Agreement on January 9, administration officials believed the situation in Darfur would improve. Unfortunately, they have only gotten worse.

The Government of Sudan and its proxy militia continue to attack civilians with impunity. An estimated 100 people were killed in an aerial bombardment in Sudan at the end of January.

In February, the African Union officials reported that the security situation in Darfur had deteriorated over the past 4 months and said that the government and its allied militias were primarily to blame.

This month, Doctors Without Borders has reported that rape continues as a routine practice, routinely used as a weapon against the women in the region with no sign of abating.

The insecurity continues to hamper aid efforts, and on March 6, the United Nations forbade its workers from traveling to certain areas—the latest in a series of security measures put in place after aid workers were kidnapped and then killed. Aid organizations report that as many as 1,000 people a day are dying because of the lack of access to food and medicine.

All told, violence and insecurity have resulted in at least 70,000 deaths, although some believe the total to be much higher. The number of internally displaced persons has risen to nearly 2 million people. There are over 200,000 refugees in Chad alone. The current registration being conducted reveal that there are far more than the 20,0000 refugees in neighboring Chad.

The African Union Force in Darfur has made a noticeable difference in the areas they are able to reach, but it does not have the size, the mandate, or the capability to protect civilians in Darfur. AU monitors have come under fire from government allied forces and, in some instances, have been prevented from investigating allegations of cease-fire violations.

The AU faces a serious lack of capacity both at the headquarters level and at the level of member states. Out of a mandated 3,000 troops, fewer than 2,000 are on the ground. And even at full strength, 3,000 soldiers is not enough to prevent further abuse of civilians and to investigate cease-fire allegations in the area the size of France.

It is evident to me that the administration—our administration—needs to devote some focused time and attention to addressing the genocide in Darfur. Our current policy has not turned the tide. We need to redouble our efforts and bring an end to the genocide in Darfur. The question will be 5 years from now to all of us: Where were we? Where were we? What did we do when this genocide unfolded? There will be another Academy Award-nominated movie about the god-awful genocide that is taking place, the routine rape, the systematic elimination of a whole people.

Today, I sent a letter to the President of the United States urging him to instruct our permanent representative at the NATO alliance, the so-called NAC, the North Atlantic Council, to propose that NATO assess and report immediately to members on the potential effectiveness of and requirements for a NATO-enforced no-fly zone across Darfur in the region of the Sudan. The reason I sent the letter is I am absolutely certain of what NATO will say. They are fully, totally capable of enforcing a no-fly zone out of Chad. The French could do it now.

I have been one who has been critical of this administration. I apologize for discussing this in the middle of a bill we have been working on for a long time but, literally, events are overtaking us.

I am confident that NATO will point out they are fully physically capable of taking and imposing a no-fly zone in the region. That will be significant. My friend from New Jersey has been a leader on this subject and this issue. He has been banging us about the head to do more. He has a much more expansive proposal, which I support, than what I am proposing today.

I have stood in this Senate and defended our European allies against some of the broader allegations in the Bush allegation, but I must say today, I am tired of our French friends and others bleeding all over us about the plight of the people in Iraq, the plight of the people in other parts of the world, when it is fully within their capability right now that France could do this all by itself. Right now. They have the wherewithal, they have the aircraft, they are positioned, and they very much want to make sure that they are recognized as a major player in Africa.

I am, quite frankly, more than disappointed—appalled—for all their talk that they are not acting at all. That does not relieve us of responsibility. The fact that another nation has the capacity and has a history that would warrant it taking the action that needs to be taken now, and does not, does not free us of an obligation.

Today's Washington Post editorial page says that enforcing the no-fly zone in Darfur would require ''one squadron of 12 to 18 fighter aircraft backed up by 4 AWAC planes,'' and cites a retired Air Force general as their source for believing such. Let's find out whether they are right. I believe they are. I have no reason to doubt that this Air Force general has talked not only to them but to others. But let's make it official. Let's do an assessment. Let's force the NAC to make an assessment now. I believe they will come back with exactly what I have just stated—a squadron, backed up by AWAC, that will be able to take out those gunships that are being used now to decimate entire villages.

As I said, my friend from New Jersey witnessed—I don't think he witnessed the actual gunships in action, but he witnessed the results. Let's find out now so we cannot kid around with ourselves, so we do not do what we are doing today, what we were doing last week and last month. We think this is an awful occurrence; we condemn it; but it is beyond our capacity to effect an outcome.

That is what they said to me in 1993 in Bosnia. That is what they said in 1997 in Kosovo. That is what we didn't do in Rwanda. This is time to act. It is within our capacity to do so. I believe it is totally consistent with the President's call for freedom, totally consistent with the President's Inaugural speech, which I applaud, totally consistent with what I believe and hope is in his heart, to be able to stop this kind of action.

The question is, why propose sending the NATO mission to Darfur? A NATO mission will do three things. First, it will provide immediate security for the people of Darfur by preventing area bombardment on the ground by the government of Sudan. Second, it will bolster the ability of the African force on the ground by discouraging attacks in the AU personnel and helicopters. Finally, it will send an unequivocal message to the international community that we will no longer tolerate Khartoum's actions.

Some may say, Why aren't you going to the U.N.? This is a point I want to make again and again, one I made back in 1993, 1995, 1997 and 1998. When that body does not act responsibly and when there is a genocide underway, it is fully within our rights—and I will argue our obligation—to act, hopefully, with others, with the strongest alliance in the history of the modern world, NATO. But even if they don't, we have a right, for I would argue and I say that which I am not supposed to say: If you engage in genocide, the world should reach a conclusion that you forfeit your sovereignty. You forfeit your sovereignty if you engage in genocide. That should be a principle we should state loudly and clearly. That warrants, if the capacity exists, the use of whatever action is possible to stop the genocide.

I realize we have 12 divisions, 10 of which are coming or going to Iraq. But we are not talking about a division here. We don't need a division here. We are going to look back and find a squadron of aircraft, possibly several thousand American forces. That is what I would do, by the way. I think we should put ground forces in as well, but I am not asking that. All I am asking is, quite frankly, prick NATO's conscience and have them give us an honest assessment of what would, in fact, be required to enforce a no-fly zone.

I send a resolution to the desk. I apologize I have not circulated this, but I know my colleague from New Jersey, as I say, has been heard on this and wants to be added. I know Senator DURBIN does.

I ask unanimous consent it remain open for the remainder of the day for me to be able to add cosponsors on both sides.

I thank the Chair and my colleagues for their indulgence.

Mr. FEINGOLD. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED AND PROPOSED

SA 139. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the resolution S. Res. 71, designating the week beginning March 13, 2005 as ''National Safe Place Week''.

SA 140. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 328, to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; which was referred to the Committee on Foreign Relations.

TEXT OF AMENDMENTS

SA 139. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the resolution S. Res. 71, designating the week beginning March 13, 2005, ''National Safety Place Week''; as follows:

In Section (2), strike ''requests that the President issue a proclamation calling'' and replace with ''calls''.

SA 140. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 328, to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; which was referred to the Committee on Foreign Relations; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to Congress that Cuba has released or properly accounted for political prisoners being held in Cuba, including the following individuals:

(1) Dr. Oscar Elias Biscet.
(2) Horacio Julio Pina Borrego.
(3) Osvaldo Alfonso Valdes.
(4) Ricardo Gonzalez Alfonso.
(5) Pedro Pablo Alvarez Ramos.
(6) Julio C. Galvez Rodriguez.
(7) Edel Jose Garcia Diaz.
(8) Marcelo Cano Rodriguez.
(9) Angel Moya Acosta.
(10) Manuel Vazquez Portal.
(11) Adolfo Fernandez Sainz.
(12) Carmelo Diaz Fernandez.
(13) Nelson Molinet Espino.
(14) Eduardo Diaz Fleitas.
(15) Fidel Suarez Cruz.
(16) Jorge Olivera Castillo.
(17) Orlando Fundora Alvarez.
(18) Roberto de Miranda Hernandez.
(19) Efren Fernandez Fernandez.
(20) Victor Rolando Arroyo Carmona.
(21) Orlando Zapata Tamayo.
(22) Oscar Espinosa Chepe.
(23) Hector Maseda Gutierrez.
(24) Majail Barzaga Lugo.
(25) Nelson Aguiar Ramirez.
(26) Antonio Diaz Sanchez.
(27) Regis Iglesias Ramirez.
(28) Martha Beatriz Roque Cabello.
(29) Hector Palacios Ruiz.
(30) Marcelo Lopez Banobre.
(31) Alfredo Felipe Fuentes.
(32) Hector Raul Valle Hernandez.
(33) Guido Sigler Amaya.
(34) Miguel Sigler Amaya.
(35) Felix Navarro Rodriguez.
(36) Librado Linares Garcia.
(37) Lester Gonzalez Penton.
(38) Omar Pernet Hernandez.
(39) Antonio A. Villarreal Acosta.
(40) Pedro Arguelles Moran.
(41) Alejandro Gonzalez Raga.
(42) Mario Enrique Mayo Hernandez.
(43) Dr. Jose Luis Garcia Paneque.
(44) Alfredo Dominguez Batista.
(45) Reynaldo Labrada Pena.
(46) Julio Antonio Valdes Guevara.
(47) Jose Ramon Gabriel Castillo.
(48) Luis Milan Fernandez.
(49) Alexis Rodriguez Fernandez.
(50) Leonel Grave de Peralta.
(51) Juan Carlos Herrera Acosta.
(52) Rafael Mollet Leyva.
(53) Arnaldo Ramos Lausurique.
(54) Raul RIvero Castaneda.
(55) Migueal Valdes Tamayo.
(56) Miguel Valdes Tamayo.
(57) Miguel Galvan Gutierrez.
(58) Jose Miguel Martinez Hernandez.
(59) Jose Ubaldo Izquierdo Hernandez.
(60) Ariel Sigler Amaya.
(61) Ivan Hernandez Carillo.
(62) Diosdado Gonzalez Marrero.
(63) Margarito Broche Espinosa.
(64) Arturo Perez de Alejo.
(65) Omar Ruiz Hernandez.
(66) Blas Giraldo Reyes Rodriguez.
(67) Pablo Pacheco Avila.
(68) Alfredo Pulido Lopez.
(69) Normando Harandez Gonzalez.
(70) Jorge Luis Gonzalez Tanquero.
(71) Luis Enrique Ferrer Garcia.
(72) Prospero Gainza Aguero.
(73) Cruz Delia Aguilar Mora.
(74) Claro Sanchez Altarriba.
(75) Jose Daniel Ferrer Garcia.
(76) Ricardo Silva Gual.
(77) Jesus Mustafa Felipe.
(78) Manueal Ubias Gonzalez.
(79) Fabio Prieto Llorente.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, March 10, 2005. The purpose of this hearing will be to consider the reauthorization of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 10, 2005, at 9:30 a.m., in open session to receive testimony on the review of Department of Defense detention operations and detainee interrogation techniques.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. 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 March 10, 2005, at 2:30 p.m., to conduct a hearing on ''Identity Theft: Recent Developments Involving the Security of Sensitive Consumer Information''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 10, 2005, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 10, 2005, at 11 a.m. in Senate Dirksen Office Building Room 226. The agenda is attached.

AGENDA

I. Nominations

William G. Myers, III, to be U.S. Circuit Judge for the Ninth Circuit.

II. Legislation

Asbestos Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Monday, the Senate proceed to the consideration of the budget resolution; provided further that when the Senate begins the consideration of the resolution on Monday there will be a total of 45 hours remaining on that resolution, with 22 hours controlled by the majority and 23 controlled by the minority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that when the nomination for the Assistant Secretary for Civil Works is received by the Senate, it be referred to the Committee on Armed Services; provided that when the Committee on Armed Services reports the nomination it be referred to the Committee on Environment and Public Works for a period of 20 days of session; provided further that if the Committee on Environment and Public Works does not report the nomination within those 20 days, the committee be discharged from further consideration of the nomination and the nomination be placed on the Calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. This order is a joint request by the chairmen and ranking members of the Committee on Armed Services and the Committee on Environment and Public Works. As Chairman of the Environment and Public Works Committee, and as a member of the Armed Services Committee, I want

to thank Chairman WARNER and Senator LEVIN for working together with Senator JEFFORDS and myself on this order.

Mr. WARNER. I thank Chairman INHOFE and as Chairman of the Committee on Armed Services, I am pleased to join him and our Committees' ranking members in supporting this order. I note that the issues for which the Assistant Secretary of the Army for Civil Works is responsible fall within the jurisdiction of both the Armed Services Committee and the Committee on Environment and Public Works.

Since the attacks of September 11, 2001, the Assistant Secretary of the Army for Civil Works has played an increasingly important role within the Department of Defense and the Department of the Army for homeland defense and homeland security. The Army protects and supports the American people in the event of natural and man-made disasters and emergencies. Army programs provide public works and engineering assistance to protect human life, reduce suffering, and mitigate damage, and Army response activities supplement State and local efforts. The Assistant Secretary of the Army for Civil Works also has responsibilities, in concert with the Chief of Staff of the Army, in directing the foreign activities of the U.S. Army Corps of Engineers and formulating and overseeing the budget of the Arlington National Cemetery, matters of great concern to the Armed Services Committee.

I note, as well, that there are matters under the Assistant Secretary of the Army for Civil Works' purview which are of concern to the Committee on Environment and Public Works. Army programs for conservation and development of national water resources, including flood control, navigation, and shore protection, come to mind. Consequently, I fully support this initiative noting that the order is identical to orders by the Senate in the 107th and 108th Congress.

Mr. JEFFORDS. I too support this order and I want to thank my colleagues on both the EPW Committee and Armed Services for working together on this joint request.

Mr. LEVIN. I want to thank my colleagues and I am pleased to join them in supporting this joint request.

EXECUTIVE CALENDAR

NOMINATION OF MICHAEL JACKSON, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination on the Executive Calendar, No. 23, Michael Jackson, to be Deputy Secretary of Homeland Security.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed in the RECORD; further, 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.

The nomination considered and confirmed is as follows:

NOMINATIONS

DEPARTMENT OF HOMELAND SECURITY

Michael Jackson, of Virginia, to be Deputy Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE PLACED ON THE CALENDAR—S. 570

Mr. MCCONNELL. I understand that there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 570) to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the Calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the Calendar.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware, Mr. BIDEN, as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 109th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut, Mr. DODD, as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 109th Congress.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 106–567, as amended by Public Law 108–458 (Section 1102), appoints the following individual to serve as a member of the Public Interest Declassification Board: Joan Vail Grimson of Virginia.

ACTIONS OF RUSSIA REGARDING GEORGIA AND MOLDOVA

Mr. MCCONNELL. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 69.

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. 69) expressing the sense of the Senate about the actions of Russia regarding Georgia and Moldova.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. 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. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 69

Whereas the Organization for Security and Cooperation in Europe (OSCE) evolved from the Conference on Security and Cooperation in Europe (CSCE), which was established in 1975, and the official change of its name from CSCE to OSCE became effective on January 1, 1995;

Whereas the OSCE is the largest regional security organization in the world with 55 participating States from Europe, Central Asia, and North America;

Whereas the 1975 Helsinki Final Act, the 1990 Charter of Paris, and the 1999 Charter for European Security adopted in Istanbul are the principal documents of OSCE, defining a steadily evolving and maturing set of political commitments based on a broad understanding of security;

Whereas the OSCE is active in early warning, conflict prevention, crisis management, and post-conflict rehabilitation;

Whereas Russia and Georgia agreed at the 1999 OSCE Summit in Istanbul on specific steps regarding the withdrawal from Georgia of Russian forces, including military equipment limited by the Treaty on Conventional Armed Forces in Europe (CFE), and committed to resolve other key issues relating to the status and duration of the Russian military presence in Georgia;

Whereas Russia has completed some of the withdrawal from Georgia of military equipment limited by the CFE Treaty in excess of agreed levels, but has yet to agree with Georgia on the status of Russian forces at the Gudauata base and the duration of the Russian presence at the Akhalkalaki and Batumi bases;

Whereas Russia completed the withdrawal from Moldova of its declared military equipment limited by the CFE Treaty, but has yet to withdraw all its military forces from Moldova, as Russia committed to do at the 1999 OSCE Summit in Istanbul;

Whereas Russia made virtually no progress in 2004 toward its commitment to withdraw its military forces from Moldova;

Whereas Moldova has called for a genuinely international peacekeeping force to replace the Russian forces, and insists on the

implementation by Russia of its commitment to withdraw its remaining military forces from Moldova;

Whereas Secretary of State Colin Powell stated at the December 2004 OSCE Ministerial in Sofia, Bulgaria, that ''Russia's commitments to withdraw its military forces from Moldova, and to agree with Georgia on the duration of the Russian military presence there, remain unfulfilled. A core principle of the CFE Treaty is host country agreement to the stationing of forces. The United States remains committed to moving ahead with ratification of the Adapted CFE Treaty, but we will only do so after all the Istanbul commitments on Georgia and Moldova have been met. And we stand ready to assist with reasonable costs associated with the implementation of those commitments.'';

Whereas since June 2004, Russia has called for the closure of the OSCE Border Monitoring Operation (BMO), the sole source of objective reporting on border crossings along the border between Georgia and with the Russian republics of Chechnya, Dagestan, and Ingushetia;

Whereas OSCE border monitors took up their mission in Georgia in May 2000, and prior to the failure to extend the mandate for the BMO in December 2004, OSCE border monitors, who are unarmed, were deployed at nine locations along that border;

Whereas the current rotation of the BMO includes 65 border monitors from 23 countries, including Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, the Czech Republic, Estonia, Finland, France, Hungary, Ireland, Lithuania, Macedonia, Moldova, Poland, Romania, Russia, Slovakia, Turkey, Ukraine, the United Kingdom, and the United States;

Whereas at the December 2004 OSCE Ministerial, Russia blocked renewal of the mandate for the BMO in Georgia;

Whereas Russia has stated that the BMO has accomplished nothing, but it has in fact accomplished a great deal, including observing 746 unarmed and 61 armed border crossings in 2004 and serving as a counterweight to inflammatory press reports;

Whereas in response to Russian complaints about the cost-effectiveness of the BMO, the OSCE agreed in December 2004 to cut the number of monitors and thereby reduce the cost of the BMO by almost half;

Whereas the BMO began shutting down on January 1, 2005;

Whereas the staff of the BMO is now dismantling facilities and is not performing its mission;

Whereas the shutdown of the BMO will become irreversible in the second half of March 2005 and is currently scheduled to be completed by May 2005;

Whereas the United States has reiterated its disappointment over the failure of the Permanent Council of the OSCE to reach consensus on renewing the mandate of the BMO, despite request of Georgia, the host country of the BMO, that the OSCE continue the border monitoring operation, and the consensus of all states but one to extend the mandate for the BMO; and

Whereas United States Ambassador to the United States Mission to the OSCE, Stephan M. Minikes, said in a statement to the OSCE Permanent Council in Vienna on January 19, 2005, that ''we believe that the closure of the BMO would remove a key source of peaceful relations and of objective reporting on events at the sensitive border and increase the likelihood of heightened Russia-Georgia tensions.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should—

(1) urge Russia to live up to its commitments at the 1999 Organization for Security and Cooperation in Europe (OSCE) Summit in Istanbul regarding Georgia and Moldova;

(2) in cooperation with its European allies, maintain strong diplomatic pressure to permit the OSCE Border Monitoring Operation (BMO) in Georgia to continue; and

(3) if the BMO ceases to exist, seek, in cooperation with its European allies, an international presence to monitor objectively border crossings along the border between Georgia and the Russian republics of Chechnya, Dagestan, and Ingushetia.

NATIONAL SAFE PLACE WEEK

Mr. MCCONNELL. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to consider S. Res. 71.

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. 71) designating the week beginning March 13, 2005 as National Safe Place Week.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. I will not object, but I ask unanimous consent to be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the Craig amendment be agreed to, the resolution, as amended, 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 amendment (No. 139) was agreed to as follows:

(Purpose: to strike the request for a Presidential proclamation in the National Safe Place Week resolution)

In Section (2), strike ''requests that the President issue a proclamation calling'' and replace with ''calls''.

The resolution (S. Res. 71), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 71

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term ''safe places'' at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations uniting to reach youth in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas more than 700 communities in 41 states and more than 14,000 locations have established Safe Place programs;

Whereas more than 75,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist; and

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 13 through March 19, 2005 as ''National Safe Place Week'' and

(2) calls upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

EXPANDED MUSEUM COMPLEX AT YAD VASHEM

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 79 submitted earlier today by Senators CORZINE and LAUTENBERG.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 79) expressing the sense of the Senate in marking the dedication on March 15, 2005, of the expanded museum complex at Yad Vashem, the Holocaust Martyrs and Heroes Remembrance Authority in Israel, in furtherance of Yad Vashem's mission to document the history of the Jewish people during the Holocaust, to preserve the memory and story of each of the victims, impart the legacy of the Holocaust to future generations, and recognize the Righteous Among the Nations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 79) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 79

Whereas 6,000,000 Jews were slaughtered in the Holocaust solely because of the faith into which they were born;

Whereas the Holocaust is seared into the world's memory as the quintessential expression of the evil of anti-Semitism;

Whereas Yad Vashem has become the world's university devoted to exposing the evil of anti-Semitism;

Whereas Yad Vashem's archives contain the largest and most comprehensive repository of material on the Holocaust in the world, containing 62,000,000 pages of documents, nearly 267,500 photographs, thousands of films and videotaped testimonies of survivors, and the Righteous Among the Nations (non-Jews who risked their lives to save Jewish people during the Holocaust), all accessible to the public;

Whereas those archives are the witness to both inexplicable acts of cruelty and daily acts of courage;

Whereas the history of the Holocaust, as embodied at Yad Vashem, represents the depths to which humanity can descend and the heights to which it can soar;

Whereas to ensure that Holocaust commemorations in future generations among both Jews and non-Jews have relevance and meaning, Yad Vashem has undertaken an extraordinary expansion of its facilities;

Whereas the centerpiece of this expansion is the new Holocaust History Museum building designed by world-renowned architect Moshe Safdie;

Whereas a central role in bringing the Holocaust History Museum to fruition was played by Holocaust survivor Joseph Wilf of New Jersey and his family;

Whereas through this new museum, Yad Vashem honors the lives of the victims and the Righteous Among the Nations in perpetuity;

Whereas the unique buildings and archives of Yad Vashem ensure that we, our children, and their children will never forget; and

Whereas the Israeli Knesset established Yad Vashem in 1953, founded on the biblical injunction set forth in Isaiah, chapter 56, verse 5: ''And to them will I give in my house and within my walls a memorial and a name (a 'yad vashem') . . . an everlasting name which shall not perish,'' and, for more than 50 years, Yad Vashem has steadfastly fulfilled this purpose: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) Yad Vashem as a trustee of the World's conscience, so that the meaning of ''never again'' becomes the living foundation of our collective humanity; and

(2) that March 15, 2005, the date of the dedication of Yad Vashem's expanded facilities, is a date of historical significance that will be remembered as such by future generations.

HONORING THE LIFE OF FERN HOLLAND

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 80, submitted earlier today by Senators LANDRIEU and MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 80) honoring the life of Fern Holland and expressing the deepest condolences of the Senate to her family on their loss.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I rise today to mark the anniversary of the death of a young woman whose courage and willingness to help others should inspire us all. Fern Holland, who was murdered near the Iraqi city of Karbala at the age of 33 a year ago today, lived her life to create the most equal and just global society obtainable. In light of International Women's Day, which was yesterday, I think it is only fitting that we honor the life of someone who led the fight to protect women throughout the world. Fern Holland realized the importance of helping others early in her life, which is exemplified by the path she chose.

There are hundreds of people whose lives have been touched by Fern Holland and I believe her legacy will live long beyond her years on Earth. In the January before her death Holland wrote in an e-mail to her former boss, Tulsa lawyer Stephen Rodolf. ''I love the work and if I die, know that I'm doing precisely what I want to be doing—working to organize and educate human rights activists and women's groups.

I urge my colleagues to remember Fern Holland when they have lost the strength to continue to work for the good of all people. We must diligently work to sustain the passion Fern Holland possessed. As a living memorial to her, I challenge each of my colleagues to continue to work for a better future for all people, particularly those without their own voice. I would like to extend my deepest sympathy to her family who are feeling this loss more than anyone else.

I urge my colleagues to support this resolution and use this day as a time to remember Fern Holland's extraordinary life and to use her example to recommit ourselves to the better good of all people.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 80) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 80

Whereas the Senate remembers with great sadness the murder of Fern Holland near the Iraqi city of Karbala at the age of 33 on March 9, 2004;

Whereas Fern Holland, born in Bluejacket, Oklahoma, on August 5, 1970, lived her life committed to creating the most equal and just global society possible;

Whereas Fern Holland graduated with honors in psychology at Oklahoma University and actively sought to help the world through caring for children dying of nuclear-related diseases in Russia and teaching kids in a squatter camp in South Africa;

Whereas in the spring of 2000, Fern Holland worked for the Peace Corps as a human rights legal advisor in West Africa;

Whereas in 2003, Fern Holland went to investigate alleged human rights violations for the American Refugee Committee at a refugee camp in Guinea where she established a legal clinic to seek justice for victims of human rights violations, and which, at the time of her death in 2004, had handled 118 cases on behalf of victims of human rights violations;

Whereas in May 2003, Fern Holland went to Iraq as a United States Agency for International Development employee to work for women's rights;

Whereas in Iraq, Fern Holland organized human rights groups, opened 6 women's centers in south Baghdad, and acted as a strong advocate for Iraqi women's rights;

Whereas after Fern Holland's death, leading feminists from the National Organization for Women, the Feminist Majority Foundation, and the National Council of Women's Organizations issued statements praising her work;

Whereas residents of the refugee camp in Guinea renamed the legal clinic Fern Holland established the ''Fern Holland Legal Aid Clinic of Nzerekore'';

Whereas the high school Fern Holland attended in Miami, Florida observed a moment of silence and then discussed a memorial to honor her;

Whereas the Cherokee Nation honored Fern Holland by passing a resolution saying she ''died as a warrior'';

Whereas Fern Holland was posthumously named a Heroic Oklahoman on April 7, 2004, by Governor Brad Henry; and

Whereas Fern Holland devoted her brief life to promoting her belief in basic human rights and the rule of law: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, in Fern Holland, the World has lost one of its most devoted and hard working human rights activists;

(2) honors Fern Holland in her extreme dedication to making the world a better place; and

(3) expresses its deep and heartfelt condolences to the family of Fern Holland on their loss.

RECOGNIZING CONTRIBUTION OF CHRIS LEDOUX TO COUNTRY MUSIC

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 81, 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. 81) recognizing the contribution of Chris LeDoux to country music.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of a great singer/songwriter, rodeo champion and true cowboy, Chris LeDoux. Sadly, Chris passed away on March 9 at the age of 56 in Casper, WY.

Chris was a loyal son, devoted husband and loving father. As a member of an air force family, Chris lived in many places throughout his childhood. He finally found his home in Wyoming while a sophomore in high school. In 1972, he married his lovely wife Peggy in Kaycee, WY, where he eventually built his ranch and fathered five wonderful children.

Chris was a cowboy through and through. He began riding in junior rodeos when he was only 13. He tried his hand at several rodeo events, but before too long, it became apparent he was best on bareback broncs. After winning the Wyoming State High School Bareback Riding Championship and the National Intercollegiate Bareback Riding Championship, he joined the rodeo circuit full time. This choice brought many injuries and tough days on the road, but all his hard work paid off in December of 1976 when he won the world championship title for bareback bronc riding at the National Rodeo Finals in Oklahoma City.

While on the rodeo circuit, Chris wrote songs about cowboys and the rodeo life he was leading. His songs were filled with both his love of music and his love of the West. In past interviews, Chris expressed that next to family, freedom was his most valued asset.

Just as he cherished the freedom of his western life, Chris was adamant about his musical freedom. He was determined to produce music in his own way rather than be ''owned by a big company.'' By 1989, Chris had released 22 albums, mostly cassette tapes produced by his parents that he sold at concerts and rodeos. That same year, Garth Brooks had a hit with, ''Much Too Young,'' which included a line about ''a worn-out tape of Chris LeDoux.'' Chris soon became the country star he was always meant to be.

Chris LeDoux was not only a world class entertainer, he was a friend. My wife Susan fondly recalls his great love for his family and his warm smile. He will be greatly missed by his family, friends and his loyal fans.

Mr. MCCONNELL. 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. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas Chris LeDoux, a former rodeo world champion in bareback riding and country music star, died on March 9, 2005;

Whereas Chris LeDoux was born in Biloxi, Mississippi, in 1948;

Whereas Chris LeDoux won the Wyoming State Rodeo Championship in high school, continued riding in college, earning a rodeo scholarship, and rode professionally, winning the bareback championship at the National Rodeo Finals;

Whereas Chris LeDoux made important contributions to the country music community, through songs such as ''Whatcha Gonna Do With a Cowboy'' and ''Much Too Young to Feel this Damn Old'';

Whereas Chris LeDoux worked with well-known artists throughout his career, such as Garth Brooks and Charlie Daniels: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of Chris LeDoux to country music;

(2) has heard with profound sorrow and deep regret of the death of Chris LeDoux; and

(3) directs the Secretary of the Senate transmit enrolled copies of this resolution to the House of Representatives and the family of Chris LeDoux.

ORDERS FOR FRIDAY, MARCH 11, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes is business today, it adjourn until 9:30 a.m. tomorrow, Friday, March 11. I further ask unanimous 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 permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the benefit of our colleagues, tomorrow the Senate will be in a period of morning business. As I announced earlier, there will be no rollcall votes during tomorrow's session. The next vote will occur Monday afternoon around 5:30 p.m.

A few moments ago, we completed action on the bankruptcy bill. I want to particularly thank all of our colleagues for the work on the bill and, in particular, Senator GRASSLEY, Senator HATCH, Senator SESSIONS, and others on both sides of the aisle who have been working on this legislation for, lo, these many years—7 or 8 years, I was told by Senator BIDEN a while ago.

Next week, we will be considering the budget resolution. We will have long, long evening sessions, and many, many rollcall votes throughout the week.

I ask, on behalf of myself and the majority leader, for Senators to make themselves available throughout the week. And I particularly want to emphasize that next Friday, the end of the week, could be a long day. I want to let all Members know there is an overwhelming likelihood that Friday will be a full day. Members should expect to be here throughout the day next Friday. We will go up into the evening. It will be an unusual Friday. We don't have many of those in the course of a year. But next Friday will be an unusual Friday, and people should make plans accordingly.

Mr. DURBIN. Mr. President, if the Senator will yield, I would like to say on behalf of those who didn't support the bankruptcy bill that, in all fairness, I think it was a spirited and a very positive debate, during the course of the debate for over 2 weeks. But that really boiled down to about 6 or 7 days. We entertained 30 amendments to the bankruptcy bill. Not one amendment went on extraordinarily long. Members took a limited amount of time, expressed themselves, debated quickly and thoroughly, and voted.

I hope that we can continue to follow that model. I think, as I have said, we got perilously close to debate in the U.S. Senate, which hardly ever happens around here. I hope that we can continue along those lines in the future.

I thank the Senator from Kentucky for yielding.

Mr. MCCONNELL. Mr. President, if I could just say to my friend, I couldn't agree more. I think the debate was handled very nicely. Members got an opportunity to have their say, to get their votes, and the Senate has done itself proud. In spite of the mixed views about the outcome, the Senate did itself proud with the first two bills this year, and I hope it is a good recipe for the future.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. 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 6:53 p.m., adjourned until Friday, March 11, 2005, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, March 10, 2005:

DEPARTMENT OF HOMELAND SECURITY

MICHAEL JACKSON, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING THE CONTRIBUTIONS OF JOHNNY GIBSON TO EXPLORING AND SHARING THE BEAUTY OF WEST TENNESSEE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TANNER. Mr. Speaker, I rise today to recognize Johnny Gibson, a renowned wilderness guide, a cherished member of our community and my friend.

Johnny began his life of service when he joined the Marines on July 12, 1941, at the age of seventeen. He served his country in the Pacific for four and a half years, and after this tour of duty, he returned to school to earn a high school diploma and begin working for the Tennessee Highway Department. A lifetime hunter and fisher, Mr. Gibson soon realized his true passion was in the outdoors, and he followed his calling to become the most famous wilderness guide in our area.

Johnny dedicated his life to introducing people to the enchanting wildlife and beauty of the West Tennessee countryside. Some of his patrons have included country music stars, such as Ricky Shelton, Hank Williams Jr., and Little Jimmy Dickens, and political leaders like Walter Mondale and Al Gore. His years as a guide behind him, he is now dedicated to spending time with his wife of 43 years, Jane, their five children and ten grandchildren.

Mr. Speaker, I ask that you join me today in recognizing the exceptional service of my friend, Mr. Johnny Gibson.

IMMIGRATION, CITIZENSHIP, AND NATIONAL SECURITY: THE SILENT INVASION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TANCREDO. Mr. Speaker, I would like to submit the foreword to an article I authored in the Fall 2004 special migration issue of Mediterranean Quarterly. People on the Move: The Security, Social, and Economic Implications of Migration Foreword

The long cycles of history are revealing to those who study them but may harbor surprises for those who choose to ignore them. The editors of Mediterranean Quarterly, cognizant of lessons learned or ignored, decided to take a closer look at a pattern of history that seems to be at the core of current global instability: the mass migration of people in search of basic means of survival, or just survival from brutal rulers.

On an annual basis, approximately 100 million people either attempt to or actually do leave their place of birth, often not knowing where they will end up. More than 10 million illegal immigrants have entered the United States since the last ''amnesty'' in 1986, and the flow continues despite the promises of the North American Free Trade Agreement. Close to 1 million Albanians, almost one-fourth of the country's population, have sought refuge in neighboring countries since the collapse of their country's communist regime. Tens of thousands of Turks leave their country annually in search of work in Western Europe and endure the consequences of cultural discrimination. More tragically, young women from the poorest components of the former Soviet Empire have vanished into the jungle of human trafficking and become commodities in an ugly form of trade that is managed by the new barons of a dangerous underworld. Recent statistics assembled by Greek authorities estimate that seventeen thousand women are being exploited by sex merchants in the Balkans alone. Albanian mafia lords, in association with their former enemies and with links all the way to Afghanistan, control lucrative drug, gun, and human-smuggling operations across national borders with relative impunity. And as in times past, the Mediterranean Sea has become the crossroads of people on the move and the stage on which human tragedy unfolds almost on a daily basis.

Human cargoes float from island to island in the eastern Aegean, with boat crews waiting for the opportunity to dump these people on dry land, after having extracted the last ounce of resources from their helpless victims. On the African shores of Gibraltar, thousands of Africans patiently wait for the first opportunity to cross the narrow stretch of water and set foot on European soil. Egyptians, Iraqis, Pakistanis, Filipinos, and Bangladeshis have landed on Italian, Greek, French, and Spanish shores over the years. They bring along their poverty, their energies, and their hopes. They also bring social, political, and now security concerns.

More than a dozen scholars, policy makers, and political leaders present diverse views on this critical issue in these pages. The lead essay, on the security implications of illegal migration for the United States, is written by Congressman Tom Tancredo, Republican of Colorado, and the unfolding drama of African refugees is provided by Francis M. Deng, United Nations representative for internally displaced persons. Rochelle Gershuni, head of Israel's Ministry of Justice, addresses sex exploitation and human trafficking and its consequences for her country. Scholars of diverse origins and viewpoints deal with migration issues in Spain, Egypt, Turkey, and Greece and the South-North migration in the United States and Canada. Naturally, we do not pretend that we provide a complete picture of a huge historical phenomenon, but we do hope to spark a debate on the social, policy, security, and economic implications caused by ''people on the move.''

Historical patterns show that mass population movements have altered cultures, demolished empires, given birth to new ones, and ultimately compelled humankind to organize itself into nation-states, with sovereignty determining their national characters. Now the nation-state that saw its birth in the Treaty of Westphalia is in retreat as an organizing concept of human events. Multiculturalism, globalization, poverty, and the North-South global economic divide have altered the patterns of civilization to a degree unprecedented since the eastern tribes overwhelmed the Roman Empire and the Ottomans reached the gates of Vienna.

The advanced industrial democracies, the ultimate destination of people on the move, have shown a lack of vision about the implications of mass movements of people in search of a livelihood. In their pursuit of high profits with cheap labor in the shortest time, they have adopted immigration policies that no longer facilitate the orderly integration of cultures and the peaceful evolution of new forms of ethnic identity. Instead of inviting potential citizens seeking a better life, the industrial nations have institutionalized the transplantation of ethnic communities and have set in motion a process for their own national balkanization.

The essays included in this special issue of Mediterranean Quarterly (with more to follow in future issues) examine problems caused by migration both in countries of destination and countries of origin. It behooves the first to examine their social policies and the latter to come to grips with their inability to match national resources with their peoples' needs. By selectively examining problems on both sides of the divide, the editors hope to spark a debate that will be grounded on the reality that a silent invasion is under way that could, if left unattended, transform world politics and foment global turmoil for generations to come.

PERSONAL EXPLANATION

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. BEAN. Mr. Speaker, on March 8, 2005, having been unavoidably detained due to congressional business related to my work on the Financial Services Committee, I was unable to vote on Approving the Journal (Rollcall No. 53), H. Res. 133 (Rollcall No. 54), and H. Res. 122 (Rollcall No. 55). Had I been present, I would have voted ''aye'' on all three measures considered before the House.

RECOGNIZING THE ACCOMPLISHMENTS OF WEBB COUNTY SHERIFF RICK FLORES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Webb County Sheriff Rick Flores for a lifetime of dedication to law enforcement.

Rick Flores is an excellent example of a Sheriff who understands the needs of his community. Sheriff Flores spent six years working for the District Attorney's Domestic Violence Unit. A dedicated public servant, Mr. Flores has experience in providing crisis intervention and counseling for local families.

Sheriff Flores is a man who believes in the value of community involvement and intervention. He has been the recipient of numerous awards, including the Webb County Domestic Violence Coalition's "Breaking the Cycle" Award and his induction into the National Future Leaders Hall of Fame by the Hispanic Association of Colleges and Universities.

Sheriff Flores believes that an informed public is better equipped for preventing crime in our streets and neighborhoods. He has organized numerous events and workshops helping to educate Webb County citizens on pressing issues such as drug abuse, sexual assault and teen violence. Rick Flores is an example of proactive law enforcement in our communities.

Mr. Speaker, it is my pleasure to honor the achievements of Webb County Sheriff Rick Flores.

A TRIBUTE TO MABEL MUNIZ-SARDUY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Mabel Muniz-Sarduy who has dedicated her professional career to educating our children.

Mabel has been a student, community resident, teacher, Parent Coordinator, Assistant Principal and now Principal at P.S. 86 in the Bushwick community. As a student she attended the schools in District 32. As a community resident, she has been a youth leader and president of her block association.

Mabel has a Bachelor's Degree in Communication Arts from Hunter College, a Masters Degree in Reading from Hunter College as well as a professional diploma from Long Island University in Administration.

She began her professional career as a teacher at Saint Martin's of Tours, and then as a teacher at P.S. 86. Next, Mabel moved from the classroom to administration as a Parent Coordinator, an Assistant Principal at P.S. 106, and to her current position as the Principal at P.S. 86.

Mabel strives every day to empower and create a positive image for the community she loves. She is a firm believer that through education you can change your life and impact many others. Holding high expectations, she continues to strive to make sure that our students, educators, parents and community residents are involved in the progress of our students. She is married with two beautiful boys, Rafael and Jeremy.

Mr. Speaker, Mabel Muniz-Sarduy has ably served her community by dedicating her career to educating our students and thereby improving the lives of many New York City residents.

CHINA'S ANTI-SECESSION LAW

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to recognize China's National People Congress current meeting in Beijing. One of the most controversial bills under consideration is the Anti-secession Law targeted at Taiwan. If enacted, the law will give Chinese leaders the authority to annex Taiwan by force if Taiwanese leaders are found promoting Taiwan independence. This law is very unfriendly to Taiwan and I understand it has aroused public outcry and protests throughout Taiwan.

Understandably the leaders and people of Taiwan are disturbed by this proposed law. It is their position that Taiwan has never been part of the People's Republic of China. They also feel there is no legal basis or justification for China's territorial claims. I believe the people of Taiwan value a free and democratic way of life and they would like to co-exist with the Chinese people on the mainland peacefully. The economic and cultural relations between Taiwan and China should be developed on the principles of peace, faith, trust and mutual respect.

The proposed law represents a unilateral change of the status quo in the Taiwan Strait and threatens regional peace and security. Taiwan President Chen Shui-bian has said that he is willing to dialogue with the Chinese leaders and discuss issues of mutual interest including eventual reunification of Taiwan and China. Both Taiwan and China desire peace and co-existence, and they should be able to work out their differences without enacting this new law.

Mr. Speaker, I join my colleagues in urging the Chinese leaders not to enact the Anti-secession law.

HONORING PAUL VI CATHOLIC HIGH SCHOOL BASEBALL TEAM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the Paul VI Catholic High School Baseball Team on their 2004 Virginia Independent Schools Baseball Association State Baseball Championship victory.

The Paul VI Panthers of Fairfax County, Virginia won the 2004 Virginia Independent Schools Baseball Association State Baseball Championship by defeating Bishop O'Connell High School 5–0 in the state title championship game. The Virginia Independent Schools Baseball Association sponsors the highest level championship among all private schools in the Commonwealth of Virginia.

The Paul VI Panthers, runners-up in the Washington Catholic Athletic Conference South Division, qualified for the state title game by defeating Bishop Sullivan High School 12–2 in the state playoffs. The Panthers then went on to qualify for the state title game by defeating St. Stephen's High School 5–3. The Paul VI Panthers completed the season with a strong 17–12 record.

The following team members are recognized for their leadership, teamwork and sportsmanship throughout the entire season: Seniors—Ryne Bromley, Dan Cinalli, Sean Fitzgerald, Mike Geraghty, T.J. Guinan, Jose Herrera, Carl Kaczmarek and Jeff Manthe. Juniors—Ricky Blazquez, Scott Eastment, Chuck Evans, Alex Gregory, Justus Hogge, Trey McMenamin, Will Naylor, J.T. Richardson, and Brian Short. Sophomores—Robert Lamas, Zach Miller, Brett Moore, John Polcari, John Ralston and Scott Walsh. Student Manager—Cam Dugger. Head Coach—Billy Emerson and assistants Dave Beach, Tad Davidovich, Jeff Nolan and Tony Salgado.

The Panthers baseball team displayed exemplary sportsmanship throughout the regular season as well as postseason tournaments.

Mr. Speaker, in closing, I would like to congratulate the baseball team on its successful season. I call upon my colleagues to join me in applauding Paul VI High School for their outstanding and continued success.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

SPEECH OF

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

Ms. HERSETH. Mr. Chairman. I rise today to express my support to an amendment to H.R. 3, the Transportation Equity Act: a Legacy for Users, offered by my colleague, Representative TOM OSBORNE of Nebraska.

The Osborne Amendment would allow the State of Nebraska the opportunity to revisit a state statute restricting length of vehicles used by custom harvesters during harvest season. The length law in Nebraska has been frozen at 65 feet since 1991. Unfortunately, this restriction does not accommodate much of today's modern custom harvesting equipment which often exceeds this length.

Existing laws in surrounding western states currently permit truck length approximately 15 feet longer than in Nebraska. My home state of South Dakota permits commercial vehicle combinations up to 81 feet, 6 inches in length. This inconsistency in state laws creates a significant obstacle for harvesters, who travel from south to north each year, and must reconfigure their equipment in order to legally transport it through the state of Nebraska into neighboring states. This is a slow, expensive, and unnecessary process.

The Osborne Amendment would enable the State of Nebraska to alleviate much of the burden on custom harvesters during harvest time by creating greater uniformity in length laws throughout western agricultural states. Increasing the efficiency by which custom harvesters travel throughout the Midwest will benefit both producers and consumers and I am pleased to voice my support for this amendment.

TRIBUTE TO THE WOMEN'S CLUB OF LYONS ON ITS 50TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding organization in my district, the Women's Club of Lyons on its 50th Anniversary celebration this year.

For five decades, the Women's Club of Lyons has promoted civic responsibility, philanthropy and friendship throughout its community. Chartered in April 1955, the Women's Club aims to encourage its members to become civic minded and socially active with charitable causes and community awareness and development.

From its early days, the Women's Club has branched out into other charitable endeavors, including funding Girl Scouts, Boy Scouts, Little League, American Cancer Society, Lyons Food Pantry, youth programs with the Lyons Recreation Department, the Ronald McDonald House, the Constance Morris home for battered women, the Wives and Children Fund of the New York Policemen and Firemen's fund after 9/11, and the Stars and Stripes fund, as well as many other charitable causes.

However, the club still maintains much of its original character as a place for women to form the bonds of friendship and camaraderie through its social activities and monthly meetings which feature speakers discussing important issues of the day.

Mr. Speaker, I congratulate the Western Springs Women's Club and all of its members, past and present, on its 50 years of service to its community.

COMMENDING BERNARD RYAN FOR EXEMPLARY CIVIC INVOLVEMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to call your attention to Mr. Bernard ("Bernie") Ryan of the City of Buffalo who has been selected by the United Irish-American Association to lead The Buffalo St. Patrick's Day Parade on March 13, 2005 as this year's Grand Marshal.

First held on March 17, 1913, the Buffalo St. Patrick's Day Parade pays tribute to the patron Saint of Ireland and after a short interruption from 1917–1935, the parade has been held every year since 1935, with the exception of the World War II years (1942–1945).

Buffalo, New York, like many other communities throughout the United States, has a large Irish American population and the St. Patrick's Day parade offers Irish Americans along with people from all ethnic backgrounds, an opportunity to celebrate one component of our rich and diverse cultural heritage.

Every year, thousands of people flock to Delaware Avenue in Downtown Buffalo to cheer on fellow citizens, Irish dancers, bands, and civic organizations who march in honor of St. Patrick.

The UIAA's election of Bernie Ryan as this year's Grand Marshal marks a proud moment for Bernie and his family, wife Karen and children Kathleen and Bernard Jay as Bernie embarks upon this once in a lifetime journey.

Four generations have worn the top hat and carried the blackthorn that belonged to Mike Quinn, Buffalo's first grand marshal of the St. Patrick's Day Parade back in 1913.

Bernie Ryan joins the ranks of other distinguished grand marshals and is honored for a lifetime of exemplary civic involvement.

Bernard served in the U.S. Army on a tour of duty in Vietnam. Upon return, he dedicated himself to family, work and community. He has had a 35 year career at Freezer Queen Foods where he has risen to the position of Controller. He is an active parishioner at St. Martin's Church in South Buffalo where neighborhoods are distinguished not by streets but by the parish to which you belong.

Bernie has always been particularly involved with various Irish organizations. Whether with the Irish Dancing School with whom his daughter Katie was a student, as a Board Member of the Gaelic American Athletic Association or as a member of the Parade Committee, Bernie's presence and commitment is unwavering.

Bernie is proud of his heritage and understands the importance of preserving our unique history as a community. I am proud to call Bernie Ryan my friend and I am pleased to honor him today.

IN MEMORY OF PRIVATE LANDON S. GILES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Private Landon S. Giles, who died on February 26, 2005, in Iraq. Landon was just 19 years old and from Arkadelphia, Arkansas. I wish to recognize his life and achievements.

Landon graduated from Arkadelphia High School in May 2004, and left for the army the very next month to serve as an indirect fire infantryman. Landon was assigned to the Army's 6th Squadron, 8th Cav. Reg., 4th Bde., 3rd Inf. Div. based at Ft. Stewart, Georgia.

Landon had a thirst for playing sports and seeking new adventures. He played football in Junior High School, soccer at Arkadelphia High School, he loved to ski and snowboard, he played in local youth league baseball programs, and became a certified scuba diver at the age of 12. He went deep-sea fishing off the coast of Australia, surfed in Hawaii, rode an elephant through parts of Thailand, and even went on a jungle safari.

Joining the army and fighting for his country in Iraq, his family says, was Landon's next life adventure. While his family did not want him to go, there was no stopping Landon once his heart and mind seized upon an idea. He told his sister, Jenny, it was better for him to go than for a man with a wife and children. Landon heard news reports about the human rights violations occurring in Iraq and wanted to help people who were unable to help themselves.

Landon gave his life to serve our country and will forever be remembered as a brother, son, hero, and friend. My deepest condolences go out to his mother, Kim Giles; his father, Alan; two sisters, Jo Ann and Jennifer; stepmother, Cynthia Kay Giles; two stepsisters, Angela and Alana Giles; and a stepbrother, Geremy Giles. I know Landon was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow soldiers, and all those who knew and counted him as a friend.

RECOGNIZING CONTRIBUTIONS OF UNITED STATES MARINE CORPS ON 60TH ANNIVERSARY OF BATTLE OF IWO JIMA

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of House Resolution 199, recognizing the contributions of the Marine Corps and the other branches of the United States Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima during World War II. The commemoration of these branches of the military, and most importantly the soldiers who fought in this battle, is crucial. We must take into account every day the bravery and dedication that the men and women of the Armed Forces have shown us.

The United States military sent more Marines into Iwo Jima—110,000—than in any other battle in World War II. The Air Force and Navy also played pivotal roles in securing a victory for the United States.

The 36-day battle that began on February 19, 1945 was an arduous campaign for the United States, largely due to the underground bunkers the Japanese had built. These subterranean caves allowed the Japanese to see the Marines, but the U.S. soldiers had no visual on the Japanese. After days of battle and U.S. casualties totaling over 25,000, our troops finally took control of Mount Suribachi, securing victory for the United States of America and the Allied Forces.

The image of soldiers like Mike Strank, Harlon Block, and Franklin Sousley raising our flag in glory, as portrayed by the Iwo Jima Memorial, reminds us of the perseverance and devotion to country exemplified by the Armed Forces. Because of these acts of bravery and dedication, we stand here free today.

Mr. Speaker, I wish to conclude by again reiterating my support for the recognition of the Marine Corps and other branches of the Armed Forces on the 60th anniversary of the Battle of Iwo Jima. The characteristics of strength, devotion, and honor ring strong in our hearts today and always, as we recall all those who fell in one of the most important battles in U.S. history.

IN OPPOSITION TO THE CERTIFICATION OF IMET FOR INDONESIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in opposition to the certification of International

Military Education and Training (IMET) for Indonesia by Secretary Rice. Since 2004, Foreign Operations Appropriations legislation has indicated that the Secretary of State must determine if Indonesia is eligible to receive IMET funds. According to the law, what determines eligibility is the cooperation of the Indonesian government and armed forces with the Federal Bureau of Investigation's investigation into the August 31, 2002 murders of two American citizens and one Indonesian citizen in Timika, Indonesia. Last year, then-Deputy Secretary of State Armitage defined ''cooperation'' in the Freeport killings as seeing the case through to ''its exhaustion.''

Yet the present Secretary of State has indicated that she has certified IMET for Indonesia, despite the fact that the Indonesian authorities have not ''cooperated'' by any definition of the term. In July 2004, when U.S. investigators notified Indonesian police that they were willing to return to Indonesia to assist in apprehending the only person thus far indicted by a U.S. grand jury, Anthonius Wamang, it took the Indonesian police well over 6 months to respond. Furthermore, Indonesian authorities have not indicted or apprehended Wamang or anyone else. For the first 6 months after the indictment was unsealed in June 2004, Indonesian police did not inform U.S. investigators as to what they were doing in the investigation.

The cooperation—or lack thereof—of the Indonesian government and armed forces with the FBI investigation is further complicated by the initial Indonesian police report, as well as NGO and media investigations, which pointed to Indonesian military involvement in the attack. Wamang also admitted ties to the notorious Special Forces Kopassus in a video interview broadcast in Australia.

Providing IMET now will remove the key U.S. leverage to assure justice is done in the Timika case, on the eve of the return of the FBI team to Indonesia.

Congress prohibited full IMET for Indonesia for years because of its extremely poor human rights record. Indonesia has yet to fulfill these previous conditions on IMET, and human rights violations, especially in Aceh and West Papua, continue.

Furthermore, there has been no justice for war crimes and crimes against humanity committed in 1999 in East Timor. The few Indonesian trials were a whitewash; not one Indonesian officer has been held accountable. Indonesia refuses to extradite anyone, including senior military officers, indicted in a separate and credible UN-East Timor justice process. On top of that, there are increasing reports of militia infiltration into East Timor from Indonesia.

The Indonesian armed forces—TNI—are massively corrupt and have direct ties to terrorist groups. The TNI engages in drug running, illegal logging, extortion of U.S. and other domestic and foreign firms, and human trafficking, among others. A number of Islamic jihadist militia that have terrorized and killed thousands within Indonesia collaborate with and are even empowered by the TNI. The TNI operates a shadow government extending from the central government down to the village level. It continues to resist subordination to civilian authority and is a threat to democracy in Indonesia.

While the amount of money for IMET may be small, it has tremendous symbolic value. The Indonesian military will view any restoration of IMET as an endorsement of business as usual, not as a reward for extremely limited reforms.

RECOGNIZING THE CONTRIBUTIONS OF BEXAR COUNTY COMMISSIONER TOMMY ADKISSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the outstanding contributions of Bexar County Commissioner of Precinct 4 Tommy Adkisson.

Born and raised in San Antonio, Texas Commissioner Adkisson earned his law degree, and returned to San Antonio to practice civil law. Commissioner Adkisson's hard work did not go unnoticed; he was named one of the ''Top Ten'' Legislators by the family law section of the Texas State Bar.

In 1981, he began his political career when he was elected as State Representative of District 57, and he won the District 119 seat in 1985. His career excelled even furthered when he was elected Bexar County Commissioner in 1998.

As County Commissioner he has brought great value to his District, most notably bringing the SBC Center to Precinct 4. He is known for working well with the citizens of the community. While working with the community of Kirby and Gardendale he was able to purchase needed equipment and provide meal assistance for the elderly. He also worked with the citizens of Converse to create the 1st Emergency Service District in Bexar County. Along with his many accomplishments as a public servant, he is also a dedicated husband to his wife Karen.

Mr. Speaker, I am proud to have had this opportunity to recognize the many contributions of Bexar County Commissioner Tommy Adkisson.

COMMENDING AUGSBURG COLLEGE ON ITS 9TH NCAA DIVISION III NATIONAL TITLE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SABO. Mr. Speaker, it is my distinct pleasure to commend Augsburg College on its ninth NCAA Division III national title in school history this weekend at the NCAA Division III National Wrestling Championships.

Augsburg was ranked number one nationally all season long, qualified wrestlers in all 10 weight classes, had five top-seeded wrestlers and finished with a national-record-tying 10 All-Americans.

Augsburg's Division III program is one of only four remaining in the state. Its legacy of championships may perhaps be one of the reasons why the NCAA Division Championships were hosted this year in Minnesota for the first time.

The team's winning point total is the most ever for Augsburg at the national championship tournament. It is also the second-highest point total for any championship team in Division III history, accumulating 162.0 points, outdistancing second-place Wartburg (Iowa) with 104.5 points and breaking Wartburg's two-year hold on the national crown.

Coach Jeff Swenson is in his 23rd season at Augsburg. When asked about the program's success, he says the key is keeping it simple: getting rest, training hard and doing everything right. I believe this approach speaks volumes about the program and about the college as well.

Mr. Speaker, Coach Jeff Swenson and the Augsburg student athletes are to be lauded for their pursuit of excellence. I'm certain that their commitment and discipline has reaped rewards of many kinds—one being the title victory.

INTRODUCTION OF BEST HELP FOR RAPE VICTIMS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mrs. MALONEY. Mr. Speaker, today I introduce an important piece of legislation that will help rape victims across the country avoid unwanted pregnancy, the Best Help for Rape Victims Act.

Recently, the Department of Justice has issued its first-ever medical guidelines for treating sexual-assault victims, the National Protocol for Sexual Assault Medical Forensic Examination. While otherwise a thorough step-by-step medical treatment guide, the Justice Department omitted any mention of the option of Emergency Contraception, ignoring a crucial opportunity to provide vital and time-sensitive healthcare to victims of rape and sexual assault.

Of the 300,000 women who are sexually assaulted each year, an estimated 25,000 will become pregnant as a result. If Emergency Contraception was regularly offered to rape victims, its 89 percent success rate could avert up to 22,000 unplanned pregnancies every year—many of which may ultimately be terminated in abortion.

The Best Help for Rape Victims Act would address this problem by simply requiring the Department of Justice to include language in the Protocol stating that a victim of sexual assault who is at risk of pregnancy be offered information about Emergency Contraception, and if requested, provide Emergency Contraception to the victim on site.

The vast majority of Americans believe we should be doing everything we can to help rape victims recover from sexual attacks, not withholding important health information from them, and certainly not making fathers out of rapists. Unfortunately, since the Justice Department apparently has a different set of values, we must pass the ''Best Help for Rape Victims Act'' to protect the health and rights of victims of sexual assault by ensuring that they receive all available information and the best medical care available.

A PROCLAMATION RECOGNIZING DOCTOR CARL J. GREEVER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Dr. Carl J. Greever has provided outstanding service and contributions while serving as the Coroner of Jackson County and the Medical Director of the Jackson County Health Department; and

Whereas, Dr. Carl J. Greever served his community through a family practice from 1962 to 2002 and served as the Health Commissioner from 1974 to 1998; and

Whereas, Dr. Carl J. Greever has served his community with dignity and excellent medical care and has been an integral part of the community; and

Whereas, the Jackson County Commissioners proclaimed January 21, 2005, as Dr. Carl J. Greever Day.

Therefore, I join with Dr. Greever's family, friends, the residents of Jackson County, and the entire 18th Congressional District of Ohio in commending Dr. Carl J. Greever for his exceptional work and years of service, and wish him the very best in his future endeavors.

RECOGNITION OF SCOTT G. KAUFMAN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CROWLEY. Mr. Speaker, I rise today in recognition of my friend, Scott G. Kaufman, who will celebrate his 40th birthday on March 16, 2005.

Scott, a graduate from CUNY Law School in Queens, has lived a successful life serving his community with great honor. Scott, shortly after graduating Law School, became an Assistant District Attorney with the Queens District Attorney's office in 1994. A few years later, Scott took a position with the Surrogate's office and handled a myriad of estate matters in the district.

Soon after, Scott ventured out and became a solo practitioner before rejoining his classmate and friend, Sean Crowley, in the law firm Crowley & Crowley LLP, in 2001.

While tending to his very impressive career, Scott met the lovely Guila Haddad. Before long, Scott was impressing Guila with his famous Rigatoni Alla Vodka and Fileto d' Pomodoro. Nine years later, Scott and Guila are married and have two beautiful children, Jacob and Isabel. With so many accomplishments in his life, he has yet one more to celebrate—his 40th birthday.

Again, Mr. Speaker, I congratulate Scott, a husband, father, and my friend, on the occasion of his 40th birthday.

IN MEMORY OF WING FAT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to a personal friend and close confidante of mine and many of my colleagues. Sadly, on Friday, February 25, 2005 Wing Fat passed away in Sacramento, where he made his home for over half a century.

Wing Fat was born in Canton, China in 1925. He joined his father in America when he was ten years old. In his youth, Mr. Fat attended California State University of Sacramento and served in the United States Air Force.

In 1939, Mr. Fat's father, Frank Fat, opened up his restaurant at 806 L St. in Sacramento. Mr. Fat worked his way up from dishwasher and floor scrubber eventually taking over as restaurant owner and main host, when his father passed away in 1997.

Mr. Fat will be remembered as one of the most well-liked and well-respected members of the Sacramento community. Over the years, the Fat family garnered a large following among Sacramento politicians for their impeccable hospitality and strict discretion. For decades, national and state leaders from both political parties pursued good public policy and practiced the art of politics, all while enjoying the wonderful establishment that Wing and his family made famous throughout California. As such, the family restaurant became a nexus of power as witness to many high-powered negotiations. In his own way, Wing Fat made a difference in improving the lives of Californians, and on a personal note, I counted Wing among my dear friends.

However, Mr. Fat's legacy will also thrive by his involvement in various civic and cultural organizations. In particular, a $1 million donation to the Sacramento Asian Sports Foundation from Mr. Fat and his wife, Chee, last November made possible the start of construction of the Laguna West complex, scheduled to begin this month. This summer, a group of young basketball players will travel to Japan as part of the Foundation's cultural exchange program—a testament to the power and commitment of civic leaders, like Mr. Fat.

My prayers and condolences are with the entire Fat family, who will continue to be a source of inspiration and leadership in the Sacramento community. My fellow colleagues please join me in honoring the memory of Mr. Wing Fat, a true friend to generations of California politicians.

INTRODUCTION OF THE GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2005

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. GINGREY. Mr. Speaker, today, I rise to introduce an important piece of legislation, H.R. 1215, "The Green Chemistry Research and Development Act of 2005." When I introduced this legislation during the 108th Congress as H.R. 3970, many of my colleagues wondered, what is green chemistry? So again I will start with a brief explanation. Chemical manufacturing is the source of many products upon which we depend such as medicines, plastics, fuels, and fabrics. However, chemical manufacturing has at times resulted in harm to the environment and human health. The goal of green chemistry is to minimize or, ideally, to eliminate this potential harm. It is defined as chemistry and chemical engineering that designs chemical products and processes that reduce or eliminate the use or generation of hazardous substances while producing high quality products through a safe and effective manufacturing process. By factoring the elimination of hazardous byproducts into the design of products and processes, chemists can design chemicals to be safe, just as they can design them to have other properties, such as color or texture.

Many private sector industries have recognized the potential of green chemistry. Along with its inherent human health and environmental advantages, green chemistry can offer many economic advantages. Since the costs of separating waste from products, complying with regulations, disposing of hazardous wastes and liability protection can be large, preventing pollution and waste in the first place is often cheaper than mitigating and cleaning it up later.

In my home state of Georgia, Shaw Industries, Inc. is showing tremendous returns on their investment in green chemistry. Shaw produces carpet tile from their EcoWorx™ compound, which is made from non-toxic starting materials. The carpet tiles are fully recyclable, and Shaw has started to receive the first generation of carpet tiles, introduced in 1999, back in the factory for recycling. Shaw has found that the cost of collection, transportation, and recycling is less than making new carpet tiles from virgin raw materials. Even before Shaw recycled a single carpet tile, they benefited from their investment in green manufacturing. By switching from traditional carpet tile backing to EcoWorx™, Shaw cut the energy needed to produce carpet tiles in half.

Green chemistry offers other advantages in the areas of worker safety and public safety. For example, many chemical processes are conducted at extreme temperature and/or pressure, two conditions that present a risk for workers. Also, many chemical processes involve toxic substances. Green chemistry aims to design processes that can be conducted at or near room temperature and pressure, and that use benign materials. Both of these steps improve working conditions for employees. Chemical factories also pose a potential threat to public safety because of the possibility of an accidental release of toxic materials into the surrounding communities. Green chemistry seeks to replace these toxic substances with safe ones, which would not pose a threat to the public if accidentally released.

Yet despite all of the promise of green chemistry, the Federal government invests very little in this area. The most notable effort is a small grant program run jointly by the Environmental Protection Agency (EPA) and the National Science Foundation (NSF). Green chemistry research in this program is funded at about $4 million per year. The Department of Energy (DOE) and National Institute for Standards and Technology (NIST) also do a small amount of green chemistry research, however the Federal investment in green chemistry is minimal as compared to the overall investment in chemistry. In addition, each of these agencies has an important role to play in developing green chemistry technologies and facilitating their adoption, however, right now, there is little coordination among agencies.

The Green Chemistry Research and Development Act of 2005 establishes an interagency research and development (R&D) program to promote and coordinate Federal green chemistry research, development, demonstration, education and technology transfer activities. The Program would support R&D grants, including grants for university-industry partnerships, support green chemistry research at Federal labs, promote education at the undergraduate and graduate levels, and collect and disseminate information about green chemistry. NSF and EPA would lead an Interagency Working Group to coordinate these activities. The Working Group would also include DOE and NIST, as well as any other agency the President designates. The program is authorized at $33 million in FY06 rising to $38 million in FY08 from sums otherwise authorized to be appropriated. This bill does not authorize the expenditure of new money.

This bill provides modest and prudent funding in an area that deserves greater Federal attention. During the 108th Congress, H.R. 3970 passed the House on April 21, 2004 with a strong bipartisan vote of 402–14. I expect similar support this Congress in the House and am pleased to report that Senator SNOWE and Senator ROCKEFELLER plan on introducing identical legislation in the Senate very soon. I look forward to working with my colleagues in the House and the Senate, as well as with the Administration, and all other interested stakeholders to enact this important legislation.

HONORING THE 60TH ANNIVERSARY OF THE OREGON DEPARTMENT OF VETERANS' AFFAIRS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. HOOLEY. Mr. Speaker, as soldiers returned home after defeating the tyrannical and oppressive Axis Powers in World War II, the Oregon State Legislature responded to a citizen mandate in creating a new agency to oversee services to veterans, their dependents and survivors. This agency was charged with the sacred duty of caring for Oregon's sons and daughters, husbands and wives, who made the ultimate sacrifice in risking—and sometimes forfeiting—their lives for the cause of freedom.

This month marks the 60th anniversary of the Oregon Department of Veterans' Affairs creation. During that time, the ODVA has assisted Oregon's veterans and their loved ones in obtaining education, securing both service-connected and non-service related disability and survivor benefits, providing home loans with favorable interest rates, enabling appropriate medical care, and generally improving the quality of life for Oregon's veterans.

I rise today to thank the ODVA and its employees for the important service they provide to our state. I am heartened by the ODVA's sixty year record of accomplishment and I look forward to many more years of service to Oregon and its community of veterans.

BLACK HISTORY TRIBUTE TO TOMIE ZEAN TURNER GREEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized black history annually since 1926, first as "Negro History Week" and later as "Black History Month." In fact, black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our nation must not be overlooked.

I would like to recognize Judge Tomie Zean Turner Green of Hinds County. Educated in Jackson Public Schools, upon completing the 11th grade at Jim Hill School, Judge Green entered Tougaloo College where she obtained her Bachelor of Arts degree. She earned a Master of Science degree from Jackson State University, and a Doctor of Jurisprudence from the Mississippi College School of Law.

Judge Green served in the Mississippi House of Representatives from 1992–1998 and served as the Vice Chair of Ethics and as sub-chair of the Judiciary A committee. She also served on the Elections, Insurance, the Managed Care and Local & Private Legislation, Constitution and Investigation of State Offices committees. In 1999, Judge Green took the oath of office to become the first woman elected to the Hinds County Circuit Court. Since that time Judge Green has increased the accessibility and efficiency to the court by shifting judicial operations. Since she took the bench, Judge Green has served on the Judiciary Advisory Committee on Rules, and the Supreme Court's Committee on Media and the Courts.

Judge Green is best noted for in Hinds County for her sponsorship and support of the several laws such as the Municipal Public Hazard Law; Illegal Acts on Premises Law; the Professional Licensure and Child Welfare and Child Support Enforcement Act, etc. Additionally, Judge Green has sought legislation to insure fairness for workers injured while on the job; raise the age for minors to legally possess a handgun from 18 to 21 years of age; to build and fund a stadium for Jackson State University; to establish a law school at Jackson State University; and to increase the opportunity and participation of minorities in state contracts for goods and services.

In addition to her dedication and commitment to her career, Judge Green has also expressed the same to her community. Judge Green is currently a member of the St. Peter Baptist Church of Jackson, MS. She is a member of the Magnolia Bar Association, Mississippi Bar Association, the Federal Bar Association, the Hinds County Bar Association, Phi Alpha Delta Legal Fraternity. Other memberships have included: Zeta Phi Beta Sorority, Inc. Phi Kappa Phi Honor Society, the NAACP, Southern Christian Leadership Conference (SCLC), MS League of Women Voters, American Association of University Women and Central Mississippi Coalition of 100 Black Women.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

TRIBUTE TO DAVID LEE BUCKNAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the hard work of David Lee Bucknam, a dedicated public servant in Colorado who recently passed away.

Mr. Bucknam, who was 60 when he died November 22, 2004, spent 24 years directing the inactive-mine reclamation program of the Colorado Division of Mineral and Geology (Division), sealing abandoned mines and restoring the soil and water they contaminated.

Earlier today, I introduced two bills designed to address the barriers hampering the cleanup of abandoned hardrock mines in Colorado and throughout the west. The introduction of these bills reminded me of Mr. Bucknam and others like him who worked hard to protect the public and promote wise environmental stewardship. Mr. Bucknam worked with me and my staff on this legislation I am introducing today and I would like to take this opportunity to express my posthumous appreciation for his assistance and for all the work he did for Colorado.

Mr. Bucknam was born in Brockport, New York in 1944 and arrived in Lakewood, Colorado when he was 10. He became an avid and skilled mountaineer and skier, getting an early start in the Denver Junior Group of the Colorado Mountain Club in his teens. In the "Juniors" he headed climbing trips and outings, taught mountaineering skills to other teens and adults, and shared his love of the outdoors. He continued to climb throughout the western United States, in the Himalayas, in Canada and in Mexico.

Mr. Bucknam taught junior high history and geography for several years, worked for the Colorado Land Use Commission and then for over 24 years with the Colorado Department of Natural Resources. He retired as Director of the Office of Active and Inactive Mines, and when asked what he did, he always smiled and said he "closed up old mines". Under his leadership, Colorado's Inactive Mine Reclamation Program and the Colorado Mine Safety and Training program were nationally recognized. He was a mentor and role-model for many of the employees in the Department. His competence and dedication—coupled with his compassion for his co-workers and his leadership on national issues—made a lasting impact not only on the Division, but the state and the nation as well. In 1990 he served as president of the National Association of Abandoned Mined Land Programs and continued to provide leadership to the Association by serving on several national committees.

During his tenure at the Division, he helped secure access to about 400 abandoned mines

a year out of an estimated 20,000 in the state in order to address the problems they created and reclaim the surrounding land and water. He also helped work on the endless problem of underground coal fires, of which at least 29 subterranean fires still smolder in coal seams throughout Colorado.

Mr. Bucknam's love of the outdoors, his service to his state and community, and his work on addressing the legacy of mining activity are all worthy of recognition. My staff and I wish to express our thoughts and wishes to his family and coworkers.

CELEBRATING THE ACHIEVEMENTS OF RICHARD ''HEATWAVE'' BERLER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the accomplishments and contributions of Richard Berler of Laredo, TX.

Better known as ''Heatwave'', Mr. Berler is the chief meteorologist at KGNS–TV in Laredo, TX. This past Monday, February 14th, Berler, 51, celebrated 25 years of reporting and predicting the weather at the station.

Having started at a time when weather forecasts were not considered a serious part of the News, Berler has taken his job to a higher level and positively affected the local community.

Originally from Westport, Connecticut, Berler was first attracted to Laredo for its unique climate. Having always studied climate patterns for a hobby, Berler found it fascinating when he learnt about Laredo hitting 100 degrees as early as the month of February. Laredo is unique for its semiarid and subtropical climate, and it occasionally gets hot dry air from the Mexican Plateau.

After attending college at Florida State University and then working for a small station in Minnesota, Berler found an opening at KGNS in Laredo and jumped at the opportunity. Almost immediately after working, Berler became a meteorologist, taking his own atmospheric readings before every newscast to improve the accuracy of his predictions. He quickly acquired the name ''Heatwave'' for his enthusiasm and commitment to the weather news. In his 25 years, he has witnessed and reported record highs of 103 °F in February, 105 °F in March, and 110 °F in April.

Mr. Speaker, Heatwave has become an icon as far as the weather is concerned and people look up to him in the community. I thank him for his contributions, and congratulate him on his 25th anniversary at KGNS.

RECOGNIZING THE ''TOWARD A SUSTAINABLE BRONX'' 2004 CONFERENCE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SERRANO. Mr. Speaker, I rise today to acknowledge the efforts of a number of Bronx-based organizations to organize a major energy and environmental symposium in the Bronx. This event, sponsored by the Center for Sustainable Energy at Bronx Community College and the Bronx Initiative for Energy and the Environment at The Bronx Overall Economic Development Corporation, will broaden the audience for, and awareness of, renewable and alternative energy technologies.

For many years, the South Bronx has suffered from high levels of pollution, which have led to public health problems in the area. For instance, asthma rates among children are 250 percent higher than in the rest of New York City. The South Bronx can benefit greatly from the use of energy-efficient and clean fuel technologies. Many businesses, developers, and other stakeholders, however, are unaware of both what they can do and where they can go to find these tools. This symposium will answer those questions, and help make the South Bronx a healthier and more environmentally sound place to live.

Mr. Speaker, the importance of this conference cannot be understated. This conference is an opportunity to promote technologies that can improve the energy efficiency of our buildings, prepare our students for the workforce through education and training, and promote practices that will help to strengthen our economy. I am confident that this conference will lead to greater community participation in efforts to improve the quality of life in the Bronx.

I would like to thank the President of Bronx Community College, Dr. Carolyn Grubbs Williams for her leadership on these issues. I also congratulate the Center for Sustainable Energy, the Bronx Initiative for Energy and the Environment, and the Bronx River Research Group for their efforts in making this conference a reality. Lastly, I would like to thank the many other partnership organizations involved in the project, including: Rebuild America program at the U.S. Department of Energy, New York Power Authority, New York State Energy Research & Development Authority, New York City Energy $mart Communities, and several Bronx-based businesses.

I hope my colleagues will join me in congratulating all the parties involved for their dedication to these important environmental and public health issues, and in wishing them continued success in the years to come.

A TRIBUTE TO STEPHANIE ARNO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Stephanie Arno for her commitment to public service and her church.

Stephanie is one of five children born and reared in the East New York neighborhood of Brooklyn. She was educated in the New York City public schools. She obtained her Bachelor of Arts in Political Science from the University Center of New York at Binghamton and her Master of Arts in Political Science from Brooklyn College.

Employed with the New York City Department of Probation for the past 16 years, Stephanie began her career as a Probation Officer Trainee in the Kings Adult Investigation Unit. She rose through the ranks to become Borough Director of her present assignment, Manhattan Alternative to Detention (MATD), Family Court Division.

In 2002, one of Stephanie's noteworthy accomplishments is being the first President and founding member of the New York City Probation Guardians Association, Inc. In 2004, Stephanie was re-elected as President of the New York City Probation Guardians Association, Inc. The Probation Guardians Association, Inc. is a fraternal association for all African-Americans employed in NYC's Probation Department.

A member of the Greater Allen Cathedral of New York, AME, her favorite scripture is from Isaiah 54:2–3, ''Enlarge the place of your tent, stretch your tent curtains wide, do not hold back; lengthen your cords; strengthen your stakes. For you will spread out to the right and to the left; your descendants will dispossess nations and settle in their desolate cities''. [NIV]

The legacy of Stephanie Arno is to be known as someone who understands that every child who proclaims to be a ''hard rock'' is actually a gem so let us mine our future with delicate hands.

Mr. Speaker, Stephanie Arno has dedicated her professional career to public service through her work in the criminal justice system. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO CEDARS-SINAI MEDICAL CENTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Cedars-Sinai Medical Center—one of the premier hospitals in the world—for providing the highest quality of health care to hundreds of thousands of people, for its innovative medical research and for its dedicated work in supporting, housing and developing the Louis Warschaw Prostate Cancer Center.

Cedars is one of the largest non-profit academic medical centers in the Western United States. It has more than 1,800 physicians in all medical specialties, more than 8,000 employees and 200 volunteers. The physicians are leaders in basic and clinical research. They teach over 245 residents and fellows in 60 graduate medical education programs.

For the fifth straight two-year period, Cedars-Sinai has been named Southern California's gold standard in health care. In National Research Corporation's 2004 Healthcare Market Guide survey, Los Angeles area residents named Cedars-Sinai the ''Most Preferred Hospital for All Health Needs.'' Cedars-Sinai is internationally renowned for its diagnostics and treatment capabilities and its broad spectrum of programs and breakthroughs in biomedical research and superlative medical education. It ranks among the top 10 non-university hospitals in the nation for its research activities.

The Warschaw family, one of Los Angeles' most prominent, turned to Cedars-Sinai to establish the Louis Warschaw Prostate Cancer

Center with the mission of advancing the fight against prostate cancer. They did this in honor of their beloved husband and father, Louis Warschaw, who died from this disease.

Prostate cancer is the most commonly diagnosed non-skin cancer in the United States. One in six American men will develop prostate cancer in the course of his lifetime. Each year more than 220,000 men are diagnosed with prostate cancer and about 28,000 die from the disease. It is the second leading cause of cancer death in men and requires the heavy firepower that Cedars-Sinai can muster.

Patients at Cedars-Sinai Medical Center and the Louis Warschaw Prostate Cancer Center receive the best medical care possible and access to emerging therapies through its research programs. These programs rely on integrated prostate cancer clinical trials and a research lab that supports pre-clinical and clinical drug studies. In addition to receiving the most technologically advanced care, patients take comfort in knowing that experts from a range of disciplines work together to optimize their treatment.

The Louis Warschaw Prostate Cancer Center's medical ontologists and urologists are nationally recognized experts in prostate cancer. They include: Dr. Stuart Holden, Medical Director for the Center; Dr. David B. Agus, Research Director; Dr. Mitchell E. Gross, Assistant Research Director and Dr. Christopher Nu, Urologic Surgeon. They collaborate with other leading specialists throughout the country, exchanging research and clinical insights and have helped the Center earn its stellar reputation.

Cedars-Sinai's multi-faceted team of medical professionals combat the threat of cancer by bringing together experts in surgery, radiology, radiation therapy, oncology and pathology. The Louis Warschaw Prostate Cancer Center, the Samuel Oschin Comprehensive Cancer Institute, the Women's Cancer Research Institute, the Maxine Dunitz Neurosurgical Institute, the Saul and Joyce Brandman Breast Center, the Gene Therapeutics Research Institute, and the divisions of the Medical, Surgical, Gynecologic, and Pediatric Oncology, all work together with clinical departments across specialties that include medicine, surgery, genetics, gynecology, pediatrics, psychiatry, imaging, radiation therapy, pathology, and the Cedars-Sinai Outpatient Cancer Center. The results of this high level of coordination and cooperation have made Cedars-Sinai into the incredible institute it is today. I am proud that Cedars is located in Los Angeles and I am thankful for the great work it does.

Mr. Speaker, I ask my distinguished colleagues to join me in saluting the Cedars-Sinai Medical Center, and the Warschaw family for founding the Louis Warschaw Prostate Cancer Center—one of the Nation's leading research and prostate cancer treatment facilities.

IN COMMEMORATION OF TIBETAN UPRISING DAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today to join with my colleagues and Tibetan communities around the world to commemorate Tibetan Uprising Day, and to draw attention to the continued serious human rights abuses committed by the People's Republic of China.

On March 10, 1959, in reaction to rumors that the Chinese were planning to kill or kidnap the Dalai Lama, thousands of Tibetan refugees courageously surrounded the Dalai Lama's compound and began calling for the Chinese to leave Tibet. This marked the beginning of the ''Lhasa Uprising.'' On March 17, 1959, fearing that Chinese troops would massacre the thousands of refugees who were refusing orders to disperse, the Dalai Lama disguised himself and took flight to India. Forty-eight hours later, believing the Dalai Lama was still inside, Chinese troops began shelling his compound and other targets in Lhasa, killing thousands of mostly unarmed civilians. Chinese statistics estimate that 87,000 Tibetans from all parts of Tibet were killed, arrested, or deported to labor camps during the 1959 Uprising. Only a small number of the thousands who fled to India survived Chinese military attacks, malnutrition, cold and disease.

Over the past 46 years, Tibetans inside Tibet and in exile around the world have bravely fought against tremendous odds to preserve their religious identity, culture, and history. It is estimated that 1.5 million Tibetans have died as a result of Chinese occupation since 1949 and 6000 monasteries, temples, and other cultural buildings were destroyed. And today, Tibetans, including monks and nuns, are continually persecuted for practicing their religion, and voicing their support for His Holiness the Dalai Lama. In fact, five Tibetan monks were jailed by Chinese authorities in February of this year for allegedly publishing politically sensitive poems, and were given sentences of two to three years.

The U.S. government has continually supported Tibetan self-determination, and I am proud of the dedication of the U.S. Congress to drawing attention to the gross human rights abuses committed by the People's Republic of China against the Tibetan people. We must continue to support the dialogue between His Holiness the Dalai Lama and the government of China, and remain committed to a peaceful resolution to this tragic conflict, keeping in mind our shared values of freedom of religion, freedom of speech, and freedom from tyranny.

I commend to you the statement written by His Holiness the Dalai Lama in commemoration of Tibetan Uprising Day, and I am honored to submit the statement in its entirety for the RECORD.

THE STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE 46TH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING DAY

On the occasion of the 46th anniversary of the Tibetan People's Uprising, I convey my warm greetings to my fellow Tibetans in Tibet and in exile and to our friends around the world.

During these more than four decades great changes have taken place in Tibet. There has been a great deal of economic progress along with development in infrastructure. The Golmud-Lhasa railway link that is being built is a case in point. However, during the same period much has been written by independent journalists and travelers to Tibet about the real situation in Tibet and not what they have been shown. Most of them portray a very different picture than what the Chinese government claims, clearly criticizing China about the lack of human rights, religious freedom and self-rule in Tibet. What has actually happened and is still happening is that since the establishment of the Tibet Autonomous Region the real authority has been solely held by Chinese leaders. As for the Tibetan people, they have been facing suspicions and growing restrictions. The lack of true ethnic equality and harmony based on trust, and the absence of genuine stability in Tibet clearly shows that things are not well in Tibet and that basically there is a problem.

Prominent and respected Tibetan leaders in Tibet have spoken out on this from time to time and even suffered because of their courageous acts. In the early 1960s, the late Panchen Lama outlined the sufferings and aspirations of the Tibetan people in his petition to the Chinese leaders. Baba Phuntsok Wangyal, one of the foremost Tibetan communist leaders, in his recent biography published in English dwells at length on the need to meet the interests of the Tibetan people. In fact, it is clear that most senior Tibetan officials in Tibet deep in their hearts are extremely dissatisfied.

This year the Chinese government will mark the 40th anniversary of the establishment of the Tibet Autonomous Region. There will be much fanfare and many commemorative events to celebrate the occasion but these will be meaningless when they do not reflect the ground realities. For example, the Great Leap Forward and the Cultural Revolution were celebrated with great pomp as real achievements at the time they took place.

China has made tremendous economic progress during the past more than two decades. China today is not what it was twenty or thirty years ago. Much has changed in China. As a result she has become a major player in the world and China rightly deserves this position. It is a big nation with a huge population and a rich and ancient civilization. However, China's image is tarnished by her human rights records, undemocratic actions, the lack of the rule of law and the unequal implementation of autonomy rights regarding minorities, including the Tibetans. All these are a cause for more suspicion and distrust from the outside world. Internally, they are an obstacle to unity and stability that are of utmost importance to the leaders of the People's Republic of China. In my view, it is important that as China becomes a powerful and respectable nation she should be able to adopt a reasonable policy with confidence.

The world in general, of which China is a part, is changing for the better. In recent times there is definitely a greater awareness and appreciation for peace, non-violence, democracy, justice and environmental protection. The recent unprecedented response from governments and individuals across the world to the tsunami disaster victims reaffirms that the world is truly interdependent and the importance of universal responsibility.

My involvement in the affairs of Tibet is not for the purpose of claiming certain personal rights or political position for myself not attempting to stake claims for the Tibetan administration in exile. In 1992 in a formal announcement I stated clearly that when we return to Tibet with a certain degree of freedom I will not hold any office in the Tibetan government or any other political position and that the present Tibetan administration in exile will be dissolved. Moreover, the Tibetans working in Tibet should carry on the main responsibility of administering Tibet.

I once again want to reassure the Chinese authorities that as long as I am responsible for the affairs of Tibet we remain fully committed to the Middle Way Approach of not seeking independence for Tibet and are willing to remain within the People's Republic

of China. I am convinced that in the long run such an approach is of benefit to the Tibetan people for their material progress. It is encouraging that there is support from various parts of the world for this approach as being reasonable, realistic and of mutual benefit to the Chinese and Tibetans. I am particularly encouraged by the recognition and support that has come from certain quarters of the intellectual circle from within China.

I am happy with our renewed contacts with the Chinese leadership and that the third round of meetings last September shows that gradually our interactions are improving. Now that our elected political leadership is shouldering more responsibility in Tibetan affairs, I have advised them to look into the issues raised by the Chinese side during our third round of talks and to take steps to address or clarify them as needed. We remain hopeful that eventually we will be able to develop the necessary trust and resolve this long-standing issue to our mutual benefit.

Finally, I would like to take this opportunity to express the Tibetan people's gratitude and appreciation to the people and Government of India for their steadfast sympathy and support. I very much feel a part of this nation not only because of the centuries-old religious and cultural ties that India and Tibet enjoyed but also because I and most of the Tibetans in exile lived in India for the past 45 years.

I offer my prayers to the brave men and women of Tibet who gave their lives for the cause of Tibetan freedom.

THE DALAI LAMA,
March 10, 2005.

GENETIC RESEARCH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY. Mr. Speaker, over the past 15 years this body has provided almost $3 billion for genetic research and the sequencing of the human genetic code.

This project, known as the Human Genome Project, has led to more information about diseases and a better understanding of our genetic makeup.

Advances in genetics have already led to the discovery of genetic markers for heart disease, Alzheimer's, Parkinson's, many cases of breast cancer, and a wide variety of other diseases. Along with these discoveries, scientists and healthcare professionals are developing new diagnostics which allow for early treatment, personalized medicine, new cures, and targeted preventative medicine.

Currently, there are over 15,500 recognized genetic disorders which affect 13 million Americans. Just two years after the completion of the Human Genome Project, laboratories are offering 1,042 different genetic tests, almost 700 of which are used for diagnostic purposes.

On average, most Americans have six potential harmful genetic mutations and the coming years hold tremendous promise as a flood of new tests and treatments reach the marketplace. Unfortunately, these new abilities to predict and manage disease also provide opportunities for the misuse of this information. Should individuals and their families run a risk of losing insurance policies and jobs, many may choose not to take advantage of these new healthcare technologies.

Without appropriate protections, this perceived threat could stop Americans from learning about their individual healthcare risks and taking steps which could prevent life threatening conditions later in life.

For these reasons, I am pleased to support the Genetic Information Nondiscrimination Act of 2005 which was introduced today by Congresswoman JUDY BIGGERT. This legislation would provide the protections needed to insure that the use of genetic information continues to advance medical treatments and improve our nation's health by prohibiting the improper use of genetic information in employment and health insurance. I look forward to working with my Colleagues on this important issue.

THE 46TH ANNIVERSARY OF TIBETAN NATIONAL UPRISING DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. PELOSI. Mr. Speaker, today is the 46th Anniversary of Tibetan National Uprising Day. We honor the many brave Tibetans who sacrificed their lives fighting for freedom, and we demand that the Chinese government release all prisoners of conscience including Tenzin Delek Rinpoche and the 11th Panchen Lama. I am proud that my constituents in San Francisco organize a peace rally and march commemorating this day every year.

When China's People's Liberation Army invaded Tibet in 1949, Tibet was an independent state. The Chinese government imposed an agreement on Tibet recognizing Tibet's autonomy over its internal affairs. But, as the Chinese government consolidated their control, they repeatedly violated the treaty and open resistance to Chinese repression grew.

On March 10, 1959, the people of Lhasa assembled together and called for the Chinese to leave Tibet, thus marking the beginning of the uprising. The Chinese crackdown was harsh. An estimated 87,000 Tibetans were killed, arrested, or deported to labor camps.

In the years since the People's Uprising, more than 1 million Tibetans have been killed and more than 6,000 monasteries and irreplaceable jewels of Tibetan culture have been destroyed. We know that Tibetans are routinely imprisoned and tortured for nonviolently expressing their views. Beatings, prolonged exposure to extreme heat and cold, electroshock, sleep and food deprivation, and forced labor are among the techniques used to torture Tibetan political prisoners.

Last month, the U.S. State Department published its annual ''Country Reports on Human Rights.'' The section on Tibet states that ''[Chinese] authorities continued to commit serious human rights abuses, including extra-judicial killing, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views.''

The Chinese government has not won the hearts and minds of the Tibetan people. Tibetans are as devoted to their traditional beliefs as ever, and the bond between His Holiness the Dalai Lama and the Tibetan people is fundamental and unbreakable. Attempts to drive a wedge between the Dalai Lama and the Tibetan people have failed and have been counterproductive for the Chinese government.

His Holiness the Dalai Lama is the key to peace and stability in Tibet. Envoys of the Dalai Lama have traveled to China and Tibet three times in recent years to continue discussions with Chinese authorities on a permanent negotiated settlement. While open dialogue is a positive first step, it is time for the Chinese government to follow through with substance and not just process. It is time for China to take a step forward into a modern, open and free society.

The survival of the Tibetan identity is an issue of urgent U.S. and international concern. If we are not committed to meeting the challenge of Tibet then we cannot be consistent when we talk about human rights in any other place in the world.

As we honor the brave and heroic Tibetan people, we must heed the guidance of His Holiness the Dalai Lama. He is a constant reminder that the crisis in Tibet is a challenge to the conscience of the world. We have not forgotten the people of Tibet in their struggle. Troops can crush a protest, but they can never extinguish the flame of freedom that burns in every human heart.

PAUL AND JEAN AMOS PERFORMANCE STUDIO DEDICATION AT WSRE–TV

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. MILLER of Florida. Mr. Speaker, it was a pleasure to celebrate a significant milestone in WSRE–TV's history last week as they dedicated their new performance studio in honor of Paul and Jean Amos.

Public television provides valuable commercial-free educational, informational, and cultural programming for communities all across the country. Here in our own backyard, WSRE–TV does a wonderful job of fulfilling the programming needs and interests of the Emerald Coast. As a local viewer and supporter I believe they keep residents connected with the local community, the Nation, and the world in a way that no other outlet can or does.

As we celebrated the dedication of the Jean and Paul Amos performance studio, we recognized that WSRE transcends the typical operation of a public television station. Very few PBS stations around the country can accommodate their viewers within their physical structure. This performance studio is perfect to host forums and engage the public in direct participation to discuss issues important to the community. In keeping with WSRE's mission, former General Manager Allan Pizzato had the foresight to construct this facility to bring the community into WSRE, so it could truly act as a mirror reflecting the interests of the community.

Public broadcasting stations are transforming their mission in order to fulfill the niche of the community and the broadcast world. Just like the Internet is not just used for data gathering, but is now used as a telephone service, cable companies are now offering high speed Internet, and telephone companies are starting to offer cable. Just as

these service providers strive to keep up with growing demands, public television stations must do the same.

Years ago, WSRE recognized the need for change and responded quickly. PBS as an organization continues to provide the core base of educational programming and services, but WSRE–TV takes that service to another level. They understand that with cable's niche program offerings that the role of public broadcasting must become more comprehensive, expanding into community outreach programs such as reading services for the blind, educational offerings and instructional courses transmitted over multi-casted digital channels, educational outreach activities such as the national teacher training institute to provide professional development for teachers, and also services that provide resources for daycare providers to help prepare children for school.

Telecommunications is rapidly changing every day. The possibilities are truly limitless. It gives me tremendous pride, both personally and as a member of the Congressional Public Broadcasting Caucus, to know that my public television station is not only keeping up; it's going above and beyond the basic services required of it.

Under Sandy Cesaretti Ray's dynamic leadership and ingenuity, WSRE–TV continues to achieve its mission, bringing high quality services to its viewers. The panhandle is very fortunate to have had such quality leadership here over the past 35 years. Playing such an important part in the life of our community, I want to thank them for their commitment to excellence, and my sincere gratitude to the Amoses for their generous, heartfelt gift.

TIBET: 46TH ANNIVERSARY OF TIBETAN UPRISING DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. WOLF. Mr. Speaker, today is the 46th anniversary of the Tibetans who died opposing the Chinese occupation, and all Tibetans who suffered due to their religious, political or cultural beliefs or activities.

In 1949 communist China invaded Tibet. The Tibetan people rose up to revolt against Communist rule. In 1959 thousands of Tibetan refugees surrounded the compound of His Holiness the Dalai Lama out of fear he would be killed. In order to try to save his people the Dalai Lama fled to India. His people stayed and were attacked by the Chinese. Thousands of unarmed civilians were killed. During the 1959 uprising an estimated 87,000 Tibetans were killed, arrested, or deported to labor camps.

The harsh brutality still exists in Tibet today. The People's Republic of China does not tolerate Tibetan freedom in any form. Each year thousands of innocent people are imprisoned or put to death under a system plagued with corruption and secrecy. Many Buddhist monks and nuns are in detention for peacefully exercising their right to free expression, association and religion.

I have visited Tibet and I was shocked and saddened by the repression of the Tibetan people. They live in fear that they will be killed, will disappear or will be tortured for expressing their political and religious beliefs. The Chinese government routinely refuses to allow independent international human rights monitors, including the United Nations, to conduct an investigation into the human rights situation in Tibet.

As co-chair of the Congressional Human Rights Caucus, I had the honor of meeting His Holiness the Dalai Lama in 2003. He is a man of great wisdom and vision who has the sole purpose for his people and his country to live free from oppression. He has worked for more than 40 years to promote self-determination for the Tibetan people. The United States stands with him and supports a negotiated settlement through dialogue.

Mr. Speaker, this day is to remind the world that the Tibetan people have been denied freedom for more than half a century. The clock is ticking for Tibet. I know one day we will be able to celebrate the anniversary of Tibetan Freedom Day.

INTRODUCTION OF H.R. 1220, VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. BUYER. Mr. Speaker, I am proud to introduce H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act of 2005.

Veterans' Affairs Committee Ranking Member LANE EVANS, as well as JEFF MILLER of Florida and SHELLEY BERKLEY, Chairman and Ranking Member of the Subcommittee on Disability Assistance and Memorial Affairs, respectively, join me as original cosponsors of the bill.

H.R. 1220 would provide a cost-of-living adjustment to veterans' benefits effective December 1, 2005. This would positively affect more than 2.9 million service-connected veterans and survivors of service-connected veterans. Additionally, the bill codifies the current disability compensation and dependency and indemnity compensation (DIC) rates.

The VA Committee periodically reviews the service-connected disability compensation and DIC programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in compensation and DIC benefits.

Mr. Speaker, Congress has consistently provided increases in these rates for every fiscal year since 1976. The adjustment in cost-of-living is reflective of the economic changes annually. This is especially important to those veterans living on a fixed income. The Administration's fiscal year 2006 budget submission includes funding for a projected 2.3 percent increase.

In support of our veterans, I urge my colleagues to support this bill.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY COMMISSIONER LYLE LARSEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the contributions made to the 28th district by Bexar County Commissioner Lyle Larsen.

Commissioner Larsen's career has been highlighted by numerous political appointments beginning in 1991 when he was elected to the San Antonio City Council, and held this position until 1995. In 1996 he was elected by the constituents of Bexar County Precinct 3 to the seat of County Commissioner, which he holds to this day. In 2000 he was appointed by then Governor George W. Bush to the Texas Juvenile Probation Commission.

Bexar County Commissioner Lyle Larsen has fiercely worked with fellow county officials to improve the operation of Bexar County, by monitoring the procedures of department heads. As a member of the Commissioners Court he faces the demanding job of overseeing budgetary, tax, and revenue decisions for positions that are not regulated by elected officials.

It requires an immense knowledge of County Government to be able to govern such a vast territory, and Commissioner Larsen has demonstrated that he can quite eloquently oversee and govern Bexar County.

Commissioner Larsen has not only worked as a diligent officer for Bexar County residents, but has also made notable contributions during his time in public office, especially his work in criminal and juvenile area.

Mr. Speaker, I am proud to have had this opportunity to recognize the dedication and hard work of Bexar County Commissioner Lyle Larsen.

IN MEMORY OF MR. JOHN CRIVELLO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. FARR. Mr. Speaker, I rise today to honor John "Bricky" Crivello, who passed away at his home on March 4, 2005. All of us who knew John's lifelong devotion to fishermen's' rights, his friends and family, and any official who had a say in the matter, will be remembered within the Monterey community.

Born in Monterey, CA in 1911, Bricky played football, baseball, basketball, golf and track at Monterey High School. During this period he was nicknamed "Bricky" because of his red hair—a name that would remain with him for the next 70 years. After high school Bricky was a fisherman for a short time, but soon joined the Monterey fishing industry. For more than 60 years, he worked as the business agent for the local branch of the International Fisherman's Union.

He was an advocate for more than 900 local fisherman during the industry's boom of the 1940's and 1950's. Although the industry shrank, Bricky remained working in the industry through his 80s. Because he represented

hundreds of fisherman, many political candidates seeking support and votes visited John's small Monterey office on the wharf.

Bricky worked with my father, the late Senator Fred Farr to draft and advocate legislation that allowed California's fisherman to collect unemployment benefits. This was one of Bricky's proudest achievements. A proud Italian-American, John also supported the predominantly Italian-American fishing community. He was instrumental in establishing and getting approval from the City of Monterey to have the bocce ball courts created which are still in use today.

Bricky was endearingly referred to within his community as a "character". He was a friend to everyone and very dedicated to his work and fishermen's rights. He was always talking about the plight of the fishermen never having enough money to make it, needing more tonnage and unemployment. Everyone within the community loved Bricky.

Mr. Speaker, I wish to remember Bricky for his honor, humanity, and love for Monterey Bay and its people. John consistently was helpful and loyal as a friend, husband, father and advocate. Our thoughts go out to his family, Kathryn Alkire, John Crivello, and JoAnn Crivello. He was a good friend to me, taking the time to talk about the old days, about my father, and about his love for golfing at Rancho Cañada. I will miss him greatly, but know his life will continue to inspire those he touched.

PEACE CORPS: A MODEL FOR HOPE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LEACH. Mr. Speaker, I would like to take a moment to recognize that last week was National Peace Corps Week and to applaud the thousands of Americans who have represented the U.S. since 1961 in the Peace Corps in 138 countries. Emblematic of the idealism of America are the 15 volunteers from my district in Southeast Iowa who are currently serving on four continents, in desert villages, mountain towns and city centers from Ukraine to Panama and Morocco.

A Peace Corps volunteer is charged with three missions: the first is to help the people of host countries in meeting their need for trained professionals; the second is to help promote understanding of America around the world; and the third is to help expand American understanding of other peoples and countries.

Thus, the job of the Peace Corps volunteer is not over when their assignment is completed. Volunteers maintain a duty to share their grasp of the people, the language and the culture of the countries in which they served.

Not long ago, in a speech at Yale University, the first Peace Corps Director, Sargent Shriver, declared that he wanted to add a fourth goal: to "bind all human beings together in a common cause to assure peace and survival for all."

No mission is more altruistic; nor more consequential. Geopolitical realists might consider such majesty of purpose to be naive. Actually, there is no rational alternative in a world where history has known few generations unaffected by the strife of war; where the creation of weapons of mass destruction has increased the vulnerability of the human race. As Einstein noted, splitting the atom has changed everything except our way of thinking. It is the capacity to think that, at its best, characterizes mankind, but, at its least impressive, has yet to be harnessed in such a way as to give confidence that modern man can live with modern technology.

It is in the context of concern for the common fate of all mankind the Peace Corps stands out as the singular institution in American society that provides a model for hope and a cause for optimism.

INTRODUCTON OF LEGISLATION MAKING AERIAL FIREFIGHTERS ELIGIBLE FOR FEDERAL DEATH BENEFITS

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mrs. CUBIN. Mr. Speaker, in April 1997, John Hirth of Buffalo, Wyoming, and his copilot lost their lives when their air tanker crashed near Blandburg, Pennsylvania. They were on a firefighting mission for a government agency, the Pennsylvania Bureau of Forestry.

At the time, John was making an aerial scouting of the fire, referred to as a dry run. Fire conditions were gusty, and turbulent wind patterns resulted from the fire itself.

Immediately after dropping the fire retardant, their tanker encountered smoke which affected visibility.

Just as the air tanker flew out of the smoke, its right wing hit an oak tree which stood above the tree line. The aircraft rolled 90 degrees left and flew into the mountainside a quarter mile from the initial tree strike, exploding on impact and instantly killing John and his copilot.

In the mid-1990s, John tried to obtain life insurance through various agencies. He was turned down due to his occupation as an aerial firefighter.

At the time of his death, the business still had to meet payments on the 1997 fire contract operation (which included liability insurance, contract-paid pilots, fuel, oil, parts, etc.), as well as on a second tanker and one sprayer aircraft.

The financial loss from this crash was so devastating that his wife, Connie, did not have the money to pay for her husband's funeral.

While this is heartbreaking to us, it is a very stark reality that many families face when aerial firefighters are lost in the line of duty.

The fact is that the vast majority of those pilots lost were serving under a government contract at the time. They were providing aerial fire suppression services for the government when they lost their lives.

My reason for being here today is to correct a provision in law that is blatantly unfair.

I am re-introducing legislation that will provide some financial security to aerial firefighters and their families.

This legislation recognizes all pilots and crew involved in aerial fire suppression as public safety officers. In doing so, the bill makes these deserving individuals eligible for death benefits under the Public Safety Officers' Benefits Program, also known as PSOB.

Under current law, aerial firefighters who are under contract with the government are not afforded these benefits simply because they work for private companies that contract with the government.

However, without these contract pilots and crew, the federal government would not have the capabilities to deal with wild land fires.

This legislation is a matter of common sense. Aerial firefighters are public safety officers in every sense of the word. With dedication and enthusiasm, they protect our natural resources, our communities, and often our very lives.

Every day, when our men and women in the Armed Forces go out to do their job, they say to us, "I am willing to risk my life for you today." Our local police officers say it as well and, yes my friends, so too do aerial firefighters.

John Hirth was the primary wage earner in his air tanker business and his family. If PSOB had been available to them at the time of John' s death, the financial hardships endured by his wife could have been minimized.

It is time we start giving back to aerial firefighters because, if we don't, we will be losing a valuable resource. With no aerial firefighters to protect our natural resources, where will we turn?

I don't think any of us want to face that question, so let's make sure we don't. Please support this legislation. It is the right thing to do.

INTRODUCTION OF THE TERRORIST APPREHENSION RECORD RETENTION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing the bipartisan "Terrorist Apprehension Record Retention Act of 2005" or "TARR Act," legislation designed to make it much easier for State and Federal counterterrorism officials to track known or suspected members of a terrorist organization who attempt to purchase dangerous firearms here in the U.S. I am joined by Representative CHRISTOPHER SHAYS of Connecticut.

According to a recently released Government Accountability Office ("GAO") report, over the course of a nine-month span last year, a total of fifty-six (56) firearm purchase attempts were made by individuals designated as known or suspected terrorists by the Federal Government. In forty-seven (47) of those cases, State and Federal authorities were forced to permit such transactions to proceed because officials were unable to find any disqualifying information (such as a prior felony conviction or court-determined 'mental defect') in the individual applicant's background. Under current law, neither suspected nor actual membership in a terrorist organization is a sufficient ground, in and of itself, to prevent such a purchase from taking place.

Even more troubling than this apparent loophole in our current system of gun laws is

the confusion which ensued after such transactions occurred. The GAO specifically determined that, in such instances, the Department of Justice's information-sharing procedures failed to adequately ''address the specific types of information from NICS transactions that can or should be provided to Federal counterterrorism officials or the sources from which such information can be obtained.''

The TARR Act seeks to correct this problem by making two simple, yet important, changes in current law. First, the bill would require all information regarding such transactions to be shared with all appropriate counterterrorism officials at the State and Federal level. Secondly, it would impose a ten year retention requirement on any records related to those transactions. In sum, the bill proposes two modest changes which—in the long run—will go along way towards keeping our homeland truly secure.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

BLACK HISTORY TRIBUTE TO GERTRUDE A. YOUNG

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. THOMPSON of Mississipi. Mr. Speaker, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized black history annually since 1926, first as ''Negro History Week'' and later as ''Black History Month.'' In fact, black history had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our Nation must not be overlooked.

I would like to recognize Gertrude Anderson Young of Warren County. Mrs. Young was born to the late Mr. Wanzie Anderson and Josephine Anderson.

Mrs. Young is a 1973 honor graduate of North Vicksburg High School, a 1976 honor graduate of Mississippi Valley State University where she received a degree in Nursing, a 1983 Hinds Community College honor graduate, and 1999 honor graduate of Alcorn State University.

Mrs. Young has worked as a Registered Nurse for 20 years. Mrs. Young is noted in Warren County for creating a 24-hour hotline and weekly radio program for teens called ''Talk to Me''. In addition, she was elected as the first woman to serve as Warren County Election Commissioner of District 3. Presently, she is a published writer and she serves as the City of Vicksburg's first female elected official as North Ward Alderman and Mayor Pro-Tem.

Mrs. Young is the 1996 recipient of the State's Child Advocate of the Year award and the Fannie Lou Hamer award. She was inducted into the 2001–2003 Who's Who Among American Women. Mrs. Young is a member of Mt. Carmel Missionary Baptist Church where she serves as an Associate Minister. She is the former president of the Mississippi Black Caucus of Local Elected Official (MBC–LEO) and she is a member of numerous local, State, and Federal boards and organizations including Delta Sigma Theta Sorority, Inc.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

APPRECIATION FOR ALEC FRENCH'S SERVICE ON THE JUDICIARY COMMITTEE STAFF MARCH 10, 2005

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SENSENBRENNER. Mr. Speaker, today Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, and I would like to commend and thank Alec French for his tremendous contribution as Minority Counsel to the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property. During his five years of service to the Subcommittee, Alec was well-liked by the Members and his colleagues on both sides of the aisle. We are sad to see him leave our staff.

Without our system of copyright, trademark, and patent protection for innovations, consumers would not be able to enjoy movies, music, or new technology. Over the last five years, Alec was an invaluable member of our team and he played a crucial role in helping us to protect creative works and to establish the parameters of intellectual property rights. At the same time, Alec made sure that we listened to the needs of all parties involved, namely copyright owners and copyright users, so that decisions of policy were balanced appropriately.

Because of Alec's service, Congress was able to pass into law several bills on these issues, including the Satellite Home Viewer Extension and Reauthorization Act of 2004, Copyright Royalty and Distribution Reform Act of 2004, the Intellectual Property Protection and Courts Amendments Act of 2004, and the Small Webcaster Settlement Act of 2002. He also shepherded numerous bills that passed the House, including the United States Patent and Trademark Fee Modernization Act of 2004, the Piracy Deterrence and Education Act of 2004, Internet Freedom and Broadband Deployment Act of 2001, Patent and Trademark Office Authorization Act of 2002, Intellectual Property and High Technology Technical Amendments Act of 2001, and Madrid Protocol Implementation Act.

Alec also was instrumental in working with our third branch of the government, the Judiciary. He helped protect the privacy of judges and their staffs, made sure that judges were compensated fairly, and ensured that the courts would have the resources they need to continue serving the American public.

We thank Alec for his exceptional service to Congress and wish him the very best in his future endeavors.

THE INTRODUCTION OF THE ''SECURITY AND FAIRNESS ENHANCEMENT (SAFE) FOR AMERICA ACT''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the ''Security and Fairness Enhancement (SAFE) for America Act.'' This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. In a report issued in September of 2003, the Office of Inspector General stated that the visa lottery program contains ''significant threats to national security from entry of hostile intelligence officers, criminals, and terrorists into the United States as permanent residents.'' Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from having members apply for the program who do not have criminal backgrounds. These types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong

message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the ''guarantee'' of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in its September report. Specifically, the report states that the visa lottery program is ''subject to widespread abuse'' and that ''identity fraud is endemic, and fraudulent documents are commonplace.'' Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is also by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a five-year period, which excludes nationals from countries such as Mexico, Canada, China and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

FREEDOM FOR ANTONIO RAMÓN DÍAZ SANCHEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Antonio Ramón Díaz Sánchez, a prisoner of conscience in totalitarian Cuba.

Mr. Díaz Sánchez is an electrician by profession. He is also a member of the Christian Liberation Movement. Mr. Díaz Sánchez is a peaceful activist in the cause of liberty who desires to exercise his basic human rights. Unfortunately, the nightmare that is the Castro regime continues to violently oppress the men and women of Cuba, including those that bravely illuminate the atrocities committed against the Cuban people for the world to see.

Unfortunately, in March 2003, as part of the dictatorship's heinous crackdown on peaceful, pro-democracy activists, Mr. Díaz Sánchez was arrested. Simply because of his courageous pro-democracy activities, Mr. Díaz Sánchez was subjected to a sham trial where he was sentenced to 14 years in the totalitarian gulag.

According to Amnesty International, Mr. Díaz Sánchez has continued to advocate for freedom and justice while locked in the hellish squalor of Castro's gulag. He has participated in two hunger strikes to draw attention to the depravity of the conditions that political prisoners are subjected to in the gulag: including denial of medical attention, beatings, and severe malnutrition. He has courageously risked harm to himself in order to bring a semblance of humane treatment to those confined in the horror that is the totalitarian gulag.

Mr. Speaker, Mr. Ramón Díaz Sánchez, is an electrician who now shines a light of dignity and courage on the abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Antonio Ramón Díaz Sánchez,, and every political prisoner in totalitarian Cuba.

RULING IN PADILLA CASE: A PROPER CHECK ON ATTEMPTED DENIAL OF DUE PROCESS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, terrorism must be fought, but we must resist the temptation to answer the extremism of terrorists with denials of the very principles the terrorists are attacking.

That is why many of us have been so concerned about the way the Administration has dealt with two American citizens they identified as ''enemy combatants.''

Last year, the Supreme Court ruled that one, Yaser Hamdi, must be tried or released. But it found a technical reason to avoid a similar decision regarding the other, saying that the case had been brought in the wrong district court.

Now the case has been renewed in the correct district court, and has brought a ruling that an editorial in the Rocky Mountain News says ''dealt, one hopes, a fatal blow to the assertion of an unchecked presidential power to jail a citizen indefinitely and with no access to due process.''

I share that hope.

For the information of our colleagues, here is the complete text of the editorial:

[From the Rocky Mountain News, Mar. 2, 2005]

JUSTICE, FINALLY, FOR JOSÉ PADILLA

The most egregious assertion of power in the Bush administration's war on terror was the president's right to jail any American indefinitely without trial. The president merely had to designate that person an ''enemy combatant.'' That unwelcome unilateral expansion of presidential prerogatives was used only twice—on Yaser Esam Hamdi, a U.S.-born Saudi; and José Padilla, an American petty criminal.

Hamdi was captured in Afghanistan in 2001, sent to Guantanamo Bay, Cuba, and then shipped to a Navy brig when the feds learned he could claim U.S. citizenship. Last June, the Supreme Court ruled that the administration had to either try him or release him, and even though Hamdi, now 24, was presumably so dangerous that he had to spend over two years in solitary, the administration tamely sent him back to his parents in Saudi Arabia on the grounds that he no longer had any information to give.

Padilla, now 34, wasn't so lucky. Even though an appeals court had ruled that Padilla, too, should be tried or released, the Supreme Court said his case should have been filed in South Carolina instead of New York. Now a federal judge in South Carolina, Henry Floyd, has ruled and dealt, one hopes, a fatal blow to the assertion of an unchecked presidential power to jail a citizen indefinitely and with no access to due process—a judge, lawyer, habeas corpus, charges, a trial, all the basic constitutional safeguards.

''The court finds that the president has no power, neither express nor implied, neither constitutional nor statutory, to hold petitioner as an enemy combatant,'' Floyd wrote.

Well said.

HONORING SALVADOR A. MERCADO'S SERVICE TO THE DEPARTMENT OF TRANSPORTATION

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor a citizen of the 28th District of Texas, Salvador A. Mercado, and his 28 years of service to the Department of Transportation.

In 1972 Salvador began his career with the Department of Transportation in Laredo, Texas. He then decided to further his education by attending the University of Texas at Austin, earning a degree in civil engineering. After he received his degree, he was able to move up at the Department of Transportation, and eventually became deputy district engineer.

During his time at the Transportation Department Salvador was able to apply his attention to detail to help establish Transportation Gateway, one of the 18t urban centers of its kind.

His professional demeanor assisted him as he made the critical decision of recruiting 20 engineering assistants for the district.

District safety has always been a main concern of Salvador's, and he has established different programs such as ''El Protector,'' Spring Break rest stops, South Texas Fiber Optics Loop System, a Haz-Mat Task Force, traffic safety booths at local festivals, and the initiation of Construction Career Days to aid the community.

Salvador's willingness to work has not been overlooked by his peers; in 1996 he received the Gilchrist Award which honors outstanding achievement in Highway Engineering. This award is so prestigious that Salvador is only the second Hispanic engineer to ever be presented with this award.

Upon retirement Salvador will begin working in the private sector and I'm convinced will play an imperative role in whatever venture he decides to pursue.

Mr. Speaker, I am proud to have had this opportunity to recognize the many contributions of Salvador A. Mercado.

TRIBUTE TO MR. HANS HAGEMAN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SERRANO. Mr. Speaker, during this month dedicated to the celebration of Black History, I rise to pay tribute to Mr. Hans Hageman, an outstanding individual who has dedicated most of his life to helping children in East Harlem, NY.

Hans is the Executive Director of the Boys and Girls Harbor, Inc., a 67 year old multi-service youth organization located in East Harlem. The Harbor's mission is to empower children and their families to become full, productive participants in society through education, cultural awareness and social services.

A lifelong East Harlem resident, Hans is a graduate of the Collegiate School for Boys, Princeton University, Columbia University Law School, and the U.S. Army 101st Airmobile Air Assault School. As former Chief Counsel for the Neighborhood Defender Service of Harlem, he worked on solutions addressing long term and entrenched problems facing the East Harlem Community. Frustrated by the familiar faces he saw coming through the system, he realized that to truly impact the social pathology in East Harlem, he must reach out to the children of the community and help guide them before they fell victim to the cycles of poverty, violence and crime.

This strong belief motivated him to return to Exodus House, one of the nation's first residential drug rehabilitation centers, with a 30 year history of serving the East Harlem Community which was founded by his parents Reverend Dr. Lynn and Mrs. Leola Hageman. In September of 1993 Hans and his brother Ivan opened the East Harlem School at Exodus House, an independent intermediate school on the Exodus House site designed to more fully address the needs of at risk children and their families.

Hans has also served as Minority Chief Counsel and Staff Director to the U.S. Senate Subcommittee on the Constitution and as an Assistant District Attorney in the Office of Special Narcotics Prosecution of New York's County District Attorneys Office.

Hans is the recipient of the 2001 Essence Award; the Robin Hood Foundation's Hero Award; the East-Harlem Urban Center's Community Service Award; the Black Princeton Alumni Community Service Award and numerous others.

Mr. Speaker, this past week we bid farewell to Ossie Davis, a great American who was a strong voice for social justice and human dignity. Ossie, who got his start in Harlem, may be best remembered for the moving Eulogy he delivered at the funeral of Malcolm X. In speaking of Malcolm's relationship to Harlem he said: "For Harlem has ever been gracious to those who have loved her, have fought her and have defended her honor . . ."

During this month devoted to the celebration of Black history I want to pay tribute not only to these two great sons of Harlem but also to those who continue to work on behalf of those who are voiceless. In that spirit I ask my colleagues to join me in honoring another son of Harlem who continues to love her, fight her and defend her honor, Mr. Hans Hageman.

A TRIBUTE TO PATRICIA ANN JONES-WYNN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Patricia Ann Jones-Wynn in recognition of her strong commitment to her family, church and community.

Patricia, the oldest of eight children born to the late Willoughby and Maranda R. Jones, hails from Hamilton, North Carolina. She graduated with honors from West Martin High School in Oak City, North Carolina. Pat holds a Bachelor of Science degree in Secretarial Science, with a minor in Library Science from North Carolina Central University in Durham, North Carolina.

Upon graduation from college in 1962, Patricia relocated to Brooklyn, New York where she married Ernest W. Wynn, her childhood sweetheart. In Brooklyn, she commenced her professional career as a secretary for the Brooklyn Tuberculosis Association. Following the birth of her first child, Patricia embarked on the more challenging and rewarding career of a full time homemaker. In 1965 she gave birth to her second child.

In 1973, with her children older and less dependent on her, Pat resumed her professional career by taking a position as the Administrative Assistant to Dr. William A. Jones, Pastor of Bethany Baptist Church in Brooklyn, New York. In this capacity, she not only performed secretarial and administrative duties, but she was also the coordinator of the church newsletter. Her duties also required extensive national and international travel. Pat continues to be an active, contributing member of the Bethany Baptist Church congregation. She is a member of the Bethany Choir, the North Carolina Club and the Scholarship Council where she is an aggressive fund-raiser for the graduating high school students.

Upon leaving Bethany as an employee, she began work as a Principal Administrative Assistant for the Health and Hospital Corporation at Woodhull Hospital. Later, she secured employment with Paul J. Cooper Center for Human Services, (a human resource organization that works with the mentally challenged) where she worked until her retirement as Secretary to the CEO. Pat is a member of the Vanguard Independent Democratic Association and works each year with the Board of Elections.

For Patricia's family and friend, she is a mentor, a confidant and one who is always there in a time of need. On her daily walks, she visits the sick and shut-in members of her congregation and community. She has cared for sick and terminally ill relatives and friends in her home and is committed to her mission to follow God's call to "serve."

Patricia has been married to Deacon Ernest Wynn for 42 years and is the mother of two children, Kalin Lamont and Kecia Nadine, mother-in-law to Stacey Patrice and grandmother to Anastasia and Maya.

Mr. Speaker, Patricia Ann Jones-Wynn has chosen to dedicate herself to her family, church and community in all the choices she has made throughout her life. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

THE RONALD REAGAN ALZHEIMER'S BREAKTHROUGH ACT OF 2005

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SMITH of New Jersey. Mr. Speaker, as Co-Chairman of the Bipartisan Alzheimer's Disease Congressional Task Force, I rise today to introduce multi-faceted legislation to boost the federal commitment to Alzheimer's research and help patients and family members currently struggling with the disease.

This wide-ranging legislation attacks the problem of Alzheimer's disease on every front, and includes proposals to double our nation's biomedical research on Alzheimer's, improve clinical practice and training for promising gerontologists, enhance patient education, expand innovative state Alzheimer's caregiver support programs, and increase training for law enforcement officials who interact with dementia-afflicted patients.

As some of my colleagues know, I was first elected to Congress in 1980, when President Ronald Reagan was elected to his first term as President. The legislation is named for our former President who died last year after a long struggle with Alzheimer's disease.

I believe that it is fitting and appropriate that this important legislation be dedicated to the most famous Alzheimer's patient and one of our greatest Presidents. Throughout his remarkable life, President Reagan endured many hardships including an assassination attempt and a bout with cancer. His terminal struggle with Alzheimer's disease has greatly increased awareness of the disease, and the importance of developing breakthrough therapies to help patients and families affected by it.

I am joined in introducing the legislation today by Rep. ED MARKEY (D–MA), who serves as my Co-Chairman of the Alzheimer's Disease Congressional Task Force that the two of us founded in June 1999. The Task Force includes approximately 190 members. Also joining the effort is physician and Congressman MIKE BURGESS (R–TX), Chairman of the Republican House Policy Committee's Subcommittee on Health, and who serves on the Energy and Commerce Committee, where the legislation will be referred. In the Senate, a companion measure was introduced today by Senator BOND (R–MO) and BARBARA MIKULSKI (D–MD).

The Alzheimer's Association, which is the largest worldwide research, advocacy, and research support organization devoted to helping Alzheimer's patients, has strongly endorsed the "Ronald Reagan Alzheimer's Breakthrough Act" and worked closely with both House and Senate sponsors when drafting it.

The centerpiece of the bill seeks to double funding for ethical biomedical research on Alzheimer's disease at the National Institutes of Health (NIH) from $700 million to $1.4 billion. We believe that funding is needed to meet the demand of numerous unfunded studies that could lead to a breakthrough.

Recent increases in Congressional funding for Alzheimer's research has put us at the cusp of some amazing breakthroughs. The level of scientific interest in dementia research

has grown significantly as understanding of the disease process improves. But the main NIH institute doing the research has reported that only 15 percent of scientifically merit-worthy grant applications are being funded. This means that 85 percent of qualified grant proposals—studies that could hold the key to delaying the symptoms or curing the disease—are not being systematically explored. A few years ago, we were funding 25 percent of the worthwhile grants. This is a completely unacceptable state of affairs, and our legislation seeks to remedy this problem.

I want to emphasize to my colleagues that an up-front investment in research will not only help improve the quality of life for millions of Americans, but will also help save the federal government hundreds of billions of dollars in Medicare and Medicaid spending over the next half-century.

In addition to doubling our investment in Alzheimer's research at the NIH, the Smith-Markey-Burgess legislation also supports a number of other important Alzheimer's-related initiatives. These include:

Establishing an Alzheimer's disease prevention initiative.

Expanding and improving clinical research on Alzheimer's disease.

Systematic research on Alzheimer's disease care.

National summit on Alzheimer's disease.

Education and assistance for caregivers and their families.

Grants to expand needed respite care programs.

A public education campaign.

Improving Project Safe Return to help locate Alzheimer's patients who become disoriented and wander from their home.

In conclusion, the Ronald Reagan Alzheimer's Breakthrough Act offers a comprehensive approach for treating current Alzheimer's patients and researching potential cures to reduce the number of those who will struggle with this disease in the future. We will be working overtime to secure passage of this critical legislation. I urge my colleagues to join with me in cosponsoring it.

CONGRATULATING THE WINNETKA PARK DISTRICT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. KIRK. Mr. Speaker, I rise today to congratulate the Winnetka Park District on 100 years of service to our community.

In 1904, a group of concerned citizens wanted to restore a piece of land in front of the village train station, which had been strewn with debris from the local livery stable. This small band of citizens came together and collected the $8,548.30 needed to purchase what is now Station Park.

From those humble beginnings, the Winnetka Park District has developed into 28 park sites that represent more than 244 acres of land. The lands under the control of the Park District include some of the most beautiful shoreline of Lake Michigan. And from the initial investment of $8,548.30, the district now boasts a $9 million annual operating budget.

Through these 100 years, with the needs and desires of the public in mind, the Winnetka Park District has added new facilities to meet the continually growing population. Now, nearly 14,500 citizens enjoy the Park District's facilities, which include an 18-hole championship golf course plus a par-3 course, the first indoor tennis facilities in the Chicago area, platform tennis courts, an indoor ice arena, two outdoor rinks, four public beaches, a skate park, and a 142-acre expanse of playfield.

The Winnetka Park District also runs hundreds of recreation programs, from day camps, to athletics, to classes. The district plans special events throughout the year, and thousands partake annually in skating, tennis and golf lessons.

For one hundred years the Winnetka Park District worked to provide a balance of quality recreational and leisure opportunities to a growing community, while protecting the natural resources and open spaces for the benefit of future generations. I hope that the next hundred years is as successful.

IN MEMORY OF JIMMY RIDDLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Jimmy Riddle, from the 26th Congressional District of Texas, for his contributions to his community, country and other nations. Mr. Riddle was working for SOC–SMG, which disposes of munitions in Iraq, when an explosive was detonated within his convoy, which took his life and that of a co-worker. Mr. Riddle was 53 years old.

I would like to recognize and celebrate Mr. Riddle's life today. Jimmy Riddle consistently served others throughout his life. He joined the Marine Corps while in college and was stationed in Japan shortly after the Vietnam War. After serving for our country, Mr. Riddle became an officer for both the Sulphur Springs and Carollton Police Departments in Texas.

In addition to his career, he spent considerable time with his family and promoted the ideals of being a servant to his children. As a result, his son Chris joined the U.S. Navy. Recently, Mr. Riddle was working as a defense contractor in Bosnia during which time he was able to see his son Chris for the first time in two years. Shortly after this meeting, Chris was killed by a drunk driver. Always looking to serve others, Mr. Riddle joined the SOC–SMG and went to Iraq. Just as in Bosnia, Afghanistan and Qatar, the people in Iraq appreciated Mr. Riddle and respected him for his kind-heartedness and devotion to helping others.

It was my honor to represent Jimmy. I extend my deepest sympathies to his family and friends. He was best described by his fellow workers as an "unsung hero."

HONORING THE ACCOMPLISHED BASKETWEAVER, MRS. SUE COLEMAN

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to recognize the accomplishments of a truly remarkable woman, Sue Coleman. Mrs. Coleman is a member of the Washo nation on the Dresslerville Reservation in my home state of Nevada. Mrs. Coleman is nationally known as a master in the art of basket weaving. Her art is not only known in Nevada, but throughout the nation.

Mrs. Coleman comes from a long line of distinguished basket weavers. She learned the art of weaving through her mother, Theresa Smokey Jackson. Together with her mother, Mrs. Coleman gathered willow, stripped, cleaned and made thread by splitting the willows in three sections with their teeth. With the wisdom and guidance of her mother, Mrs. Coleman has a very diverse portfolio of artistic designs. These include; cradleboards, round baskets, burden baskets, seed beaters and winnowing trays all of which are true weaves of the Washo tradition.

Mrs. Coleman has received many prestigious awards for her art, and has won over forty first place ribbons for her baskets in many western art competitions. In 2002, she was awarded the prestigious Governor's Arts Award for Excellence in Folk Arts. She is also part of the committee that is organizing the Folklife Festival that will be held on the National Mall in 2006. In addition to her many other roles, Mrs. Coleman has the honor to be part of the committee for the Smithsonian Museum's "Carriers of Culture: Contemporary Native Baskets". One of her hand-crafted baskets is even part of the Smithsonian's permanent collection and will be included in a travel exhibit that will feature the finest baskets made by Native Americans.

Mr. Speaker, prior to the passing of her mother, Mrs. Coleman promised that she would continue the tradition that they enjoyed together and pass weaving along to future generations, so that this wonderful art will never be forgotten. It is clear that with her with passion and dedication to this rich cultural art that she will continue to honor her mother's wishes. I am proud to have this opportunity to acknowledge her work.

RECOGNIZING THE ACHIEVEMENTS OF THE STUDENT COUNCIL OF CRANSTON HIGH SCHOOL WEST WITH REGARD TO "THE FEINSTEIN YOUTH HUNGER BRIGADE PROGRAM"

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LANGEVIN. Mr. Speaker, I rise today to commend the Student Council of Cranston High School West for their participation for the third consecutive year in "The Feinstein Youth Hunger Brigade Program." Through this year-long community service project, these students will raise awareness of hunger in Rhode

Island by distributing a newsletter to elected officials and by collecting and distributing non-perishable food items to a local agency of their choice. The students have chosen St. Vincent de Paul's Emergency Food Center to be the beneficiary of this year's donations.

Already, the students of Cranston High School West have far exceeded the goals they initially set. Originally planning to collect an impressive 2,260 items for donation, the students worked together to collect an astounding 3,163 non-perishable food items throughout the course of their first food drive in December. The students are currently working on a second drive set to take place in April. They hope to surpass their previous record during this spring's drive.

The non-perishables that the students have delivered to St. Vincent de Paul are crucial to the fight against hunger in Rhode Island. Many of our local shelters and food centers find themselves continually dependent upon the goodwill of students like those at Cranston High School West to be able to provide for those in need. The contributions by this very generous group of students will certainly put St. Vincent de Paul in a position to meet the needs of those less fortunate in the community.

I am thrilled and honored to recognize these individuals today. It is through the efforts of students like those at Cranston High School West that we not only fight the current hunger epidemic, but provide hope for the future as well. The students at Cranston High School West have nobly taken on a serious problem in their community and are facing it head on. I am confident that these students will serve as an inspiration for other Rhode Island young people and that leaves me optimistic about the future fight against hunger.

Thank you, Mr. Speaker, and I hope our colleagues will join me in commending the Student Council of Cranston High School West.

PEACE CORPS: A MODEL FOR HOPE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LEACH. Mr. Speaker, I would like to take a moment to recognize that last week was National Peace Corps Week and to applaud the thousands of Americans who have represented the U.S. since 1961 in the Peace Corps in 138 countries. Emblematic of the idealism of America are the 15 volunteers from my district in Southeast Iowa who are currently serving on four continents, in desert villages, mountain towns and city centers from Ukraine to Panama and Morocco.

A Peace Corps volunteer is charged with three missions: the first is to help the people of host countries in meeting their need for trained professionals; the second is to help promote understanding of America around the world; and the third is to help expand American understanding of other peoples and countries.

Thus, the job of the Peace Corps volunteer is not over when their assignment is completed. Volunteers maintain a duty to share their grasp of the people, the language and the culture of the countries in which they served.

Not long ago, in a speech at Yale University, the first Peace Corps Director, Sargent Shriver, declared that he wanted to add a fourth goal: to ''bind all human beings together in a common cause to assure peace and survival for all''

No mission is more altruistic; nor more consequential. Geopolitical realists might consider such majesty of purpose to be naive. Actually, there is no rational alternative in a world where history has known few generations unaffected by the strife of war; where the creation of weapons of mass destruction has increased the vulnerability of the human race. As Einstein noted, splitting the atom has changed everything except our way of thinking. It is the capacity to think that, at its best, characterizes mankind, but, at its least impressive, has yet to be harnessed in such a way as to give confidence that modern man can live with modern technology.

In this context of concern for the common fate of all mankind, the Peace Corps stands out as the singular institution in American society that provides a model for hope and a cause for optimism.

INTRODUCING THE MEDICAL BILLS INTEREST RATE RELIEF ACT OF 2005

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Medical Bills Interest Rate Relief Act, a bill to protect Americans from going bankrupt due to high medical costs. Many families and individuals are forced deep into debt by the combination of large medical bills and excessively high interest rates.

The journal Health Affairs recently reported that over two million people are financially ruined by health care costs every year, and these debtors are 42 percent more likely than other debtors to experience lapses in coverage. In fact, many of those bankrupted are middle class and have insurance, and so do not qualify for additional assistance.

A constituent of mine from Margate, Florida was faced with just this situation. He was unable to fully meet the repayment schedule demanded by the hospital. Because he had insurance, he was also unable to qualify for further assistance. The hospital reported him to his credit bureau, which then raised his interest rate to an astronomical level, pushing his financial stability to the very edge of bankruptcy.

My constituent is currently selling his home in order to avoid bankruptcy. This is simply unfair. My constituent did not overspend on luxury gifts, buy a fancy car, or take extended vacations. Instead, his family was slammed by an unpredictable and unpreventable medical catastrophe that was no fault of their own. There should be a level of protection for them and the millions of other Americans who struggle to make ends meet.

Mr. Speaker, credit card issuers tie interest rates to the timely repayment of debt. But many Americans, such as my constituent, are faced with sudden, extremely high medical expenses that simply cannot be repaid within the same constraints as ordinary expenses. Thus, their credit card interest rates may rise dramatically, resulting in an even more burdensome financial situation.

My legislation alleviates this problem by requiring credit card companies to maintain the lowest interest rates possible for persons repaying medical care costs, based on the customers' previous credit rating prior to incurring those costs. My bill further protects patients and families by prohibiting hospitals from reporting for 5 years patients who cannot meet the mandated repayment schedule, provided that those patients demonstrate good faith by maintaining a repayment of 20 percent of their medical expenses. This ensures that patients receive some level of protection from imminent financial disaster while hospitals are also assured of recovering debt.

The extraordinarily high cost of medical care is an enormous burden on American families. Unfortunately, many medical expenses are unforeseen, and the expenses associated with emergency catastrophic care can literally destroy a family's finances. Our constituents should never have to choose between the health and life of a loved one and the financial constraints of medical care.

I urge my colleagues to support this bill to protect all Americans from the crushing burden of medical costs.

HONORING THE EXCEPTIONAL COURAGE OF BEN MOYER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor an incredible citizen of the 28th district of Texas. Ben Moyer of Seguin, Texas demonstrated exceptional courage when he saved a man's life last June.

Ben Moyer a senior at Seguin High School in Seguin, TX, has been swimming for most of his life. Last summer while he was working at the local water park Schlitterbahn of Texas, Ben jumped into a dangerous section of the Comal River and pulled a man to safety.

Ben did not even notice the injury he had sustained when his foot was caught in some rocks; he simply pulled it free and continued with his mission. It was not until after he pulled the man to safety that he realized that he had broken his own leg in this heroic deed.

Ben was aware of the dangers that would come with being a deep water lifeguard, but credited his Boy Scout life guarding classes and Schlitterbahn training classes with enabling him with the skills necessary for this rescue.

This notable act of courage demonstrates Ben's desire to help others, which will come in handy for Ben's aspirations to enter the Naval Academy in Annapolis after graduation. And to eventually reach his goal of flying helicopters.

Mr. Speaker, I am glad I had this opportunity to recognize the act of bravery and determination of Ben Moyer.

CELEBRATION OF NATIONAL PEACE CORP WEEK

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the 44th Anniversary of the Peace Corp and to also recognize National Peace Corp Week, which was officially celebrated February 28 to March 6, 2005.

Mr. Speaker, in 1961, President John F. Kennedy courageously challenged American citizens during his inauguration speech to ''ask not what America will do for you, but what together we can do for the freedom of man.'' This, along with a speech then Senator Kennedy gave in October 1960 to the graduating students of the University of Michigan, daring them to be agents of peace and freedom by living and working abroad, became the guiding principles of what the Peace Corp has become today.

In countries where poverty is rampant and development lacking, American volunteers, through the work of the Peace Corp, have helped bring medicine to the sick, education to the illiterate, and skills training to the poor. American Peace Corp volunteers accomplish this by living two years of their lives away from their family, away from their loved ones among the people who need their help the most. They are there in the morning, when the farm needs irrigation; during the day, when the children need guidance; and at night, when the community comes together to share the day's experiences. They are there not only as volunteers, but also as advocates and friends.

Mr. Speaker, because of these dedicated and compassionate young men and women and because of their desire to promote equality and knowledge among those less fortunate, the volunteers of the Peace Corp have helped to build a positive image of America around the world, even during some of the most trying times in our nation's foreign policies. As ambassadors of American ideals, they have allowed nations around the globe to gain a better understanding of our country, and have in turn taught us about the cultures and practices of other nations.

As current Peace Corp volunteers, scattered over 72 countries, carry on the legacy of those before them, I stand here today to applaud all the progress and achievements the Peace Corp has accomplished to date.

On the 44th Anniversary of this uniquely American institution, I urge the volunteers of the Peace Corp to remember their responsibility to the world and to the nation they represent. I urge them to maintain the idealism that brought them to countries such as Albania, Niger, El Salvador, Uzbekistan, and East Timor. And in return, I ask my colleagues to help promote the same ideals of peace and freedom within our Nation.

Let us not forget the poor and the unfortunate inside and outside our borders, let us not forget the underprivileged, and let us continue to fight for equality for all.

CELEBRATING THE 100TH ANNIVERSARY OF ROTARY INTERNATIONAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to celebrate the 100th anniversary of Rotary International, the world's first service club, and to mark the 52nd year of the Rotary Club of Great Neck.

Since their establishment on February 23, 1905, by Paul P. Harris, the members of Rotary International have been completely dedicated to fulfilling the goal of their motto: service above self. Over the past 100 years, Rotarians have been providing humanitarian services in communities, workplaces, and throughout the world. In doing so, Rotarians have developed numerous community service projects that assist communities in responding to the critical issues they face, including hunger, poverty, illiteracy, vocational and career development, the environment, and protecting at risk children.

The popularity of Rotary International has quickly spread throughout the world, with clubs forming across the United States and on six continents. Currently, there are approximately 1.2 million Rotarians who belong to more than 31,000 Rotary clubs in 166 different countries.

The Rotary Club of Great Neck was chartered in 1953, and since then their members have been very active in local and international humanitarian projects. Each November, the Rotary Club of Great Neck holds a Thanksgiving Turkey Drive, where volunteers pack more than 26 tons of food into complete Thanksgiving dinners and distribute them to needy families in the New York metropolitan area. The Great Neck club is also very active in the Gift of Life Program, which provides life saving open-heart surgery to needy children across the world, at no cost to them or their families. Great Neck Rotarians also work with and mentor local students on a weekly basis, teaching them about the joys of giving back to the community and assisting the students with their own service projects.

Mr. Speaker, I commend Rotary International, the Rotary Club of Great Neck, and Rotarians across the world for their continued and dedicated service. These fine men and women selflessly volunteer their time to help make our world a better place, and their contributions are immeasurable. I ask my colleagues in the House of Representatives to please join me in honoring Rotary International as they celebrate their 100th anniversary.

THE SCIENCE OF FREEZING'S BENEFITS FOR FOOD SAFETY

HON. C. L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. OTTER. Mr. Speaker, I rise today in the hope that a scientific review article may spur research that could benefit public health. Specifically, Douglas L. Archer, Ph.D. authored a paper titled, ''Freezing: An underutilized food safety technology?'' which was published in the January 15, 2004, International Journal of Food Microbiology.

The article has attracted attention over the past year, including a presentation today by Dr. Archer for the House Frozen Food Caucus, of which I am co-chairman. I would like to submit for the record the abstract of Dr. Archer's article, and emphasize its conclusion: ''Through research, it seems possible that freezing may in the future be used to reliably reduce populations of food-borne pathogens as well as to preserve foods.''

Mr. Speaker, I call this article and this opportunity for improving public health to the attention of my colleagues and to the research community.

[From the International Journal of Food Microbiology, 2004]

FREEZING: AN UNDERUTILIZED FOOD SAFETY TECHNOLOGY?

(By Douglas L. Archer)

Freezing is an ancient technology for preserving foods. Freezing halts the activities of spoilage microorganisms in and on foods and can preserve some microorganisms for long periods of time. Frozen foods have an excellent overall safety record. The few outbreaks of food-borne illness associated with frozen foods indicate that some. but not all human pathogens are killed by eommercial freezing processes. Freezing kills microorganisms by physical and chemical effects and possibly through induced genetic changes. Research is needed to better understand the physical and chemical interactions of various food matrices with the microbial cell during freezing and holding at frozen temperatures. The literature suggests that many pathogenic microorganisms may be sublethally injured by freezing, so research should be done to determine how to prevent injured cells from resuscitating and becoming infectious. Studies on the genetics of microbial stress suggest that the induction of resistance to specific stresses may be counteracted by, for example, simple chemicals. Research is needed to better understand how resistance to the lethal enact of freezing is induced in human pathogens and means by which it can be counteracted in specific foods. Through research. it seems possible that freezing may in the future be used to reliably reduce populations of food-borne pathogens as well as to preserve foods.

HARRIET TUBMAN'S BIRTHDAY

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. MCKINNEY. Mr. Speaker, as the bells of freedom toll around the globe, it seems appropriate to honor one of America's noble freedom fighters. And so today, in recognition of the memory and continuing legacy of a true founder of American freedom, I am introducing a resolution to designate March 10, 1990, as ''Harriet Tubman Day.''

Harriet Tubman was born on the eastern shore of Maryland around 1820 and escaped from slavery in 1849. Her freedom, however, was not the beginning of her fight. Even as a child slave, she battled against slavery and injustice. One day, she was ordered by an overseer to help him tie up another slave who was to be beaten. She defied that order and allowed the fellow slave to escape. Bun in the

process, Harriet Tubman paid a high price for her defiance and her convictions. She was inflicted with a wound so severe that it would cause health problems for the rest of her life. The beating was not the first, nor would it be the last. But despite that cruel scar and despite the deep scars of slavery, Harriet Tubman still pursued. With a vigor difficult to image, she pursued her seemingly distant dreams and the buried promise of freedom.

Her own freedom was not good enough, though—others were still enslaved. A year after her own escape, Harriet Tubman became a conductor on the underground railroad. She was so successful—she alone led about 300 slaves to freedom—that a bounty, with a horrifying sentence of torture until death, was offered for her capture. Yet, she continued to travel the route of the underground railroad, telling fellow conductor Thomas Garrett that she ''ventured only where God sent: and bragging years later that she had ''never run off track or lost a passenger.'' Time and time again whenever Harriet Tubman encountered unbeatable odds or insurmountable obstacles, she beat them and surmounted them, forging a path of service, spirit, and strength for all of us to follow.

Through her service—as a conductor on the underground railroad, as a soldier and a tender of soldiers, and as a speaker for those who could not speak for themselves—Harriet Tubman gave hope to countless slaves who referred to her as their ''Moses'' and who, because of her, realized that they would one day be led from oppression to the promised land of freedom. Through her strength—a strength that compelled her to risk her own freedom so that others could experience it—Harriet Tubman provided an inspiration of liberty, justice and opportunity that serves us still. The service, spirit and strength of Harriet Tubman represents in timeless eloquence much of what is best in us, as Americans and as human beings.

Mr. President, slavery was the darkest chapter in American history. But, out of the darkness of persecution in South Africa came the light of Nelson Mandela. And, out of the darkness of slavery in America came the light of Harriet Tubman.

Today, that light is kept alive by the Harriet Tubman Historical Society, located in my hometown of Wilmington, DE. Harriet Tubman Day is the brainchild of its executive director, Vivian Abdur-Rahim. The widespread support this commemorative has receive around the country—19 states and several citizens have already endorsed it—is a result of Vivian's tireless tenacity. She has made a tremendous investment toward establishing this day of recognition and tribute, and I am proud to ask the Senate to add its support to such a worthy and important effort.

CONGRATULATING PILOT STEVE FOSSETT AND THE COMMUNITY OF SALINA, KS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor Mr. Steve Fossett, pilot of the Virgin Atlantic GlobalFlyer, and all those who assisted him during his successful world record-setting flight around the world last week.

Steve Fossett flew the first solo, non-stop, non-refueled aerial circumnavigation of the globe in a jet aircraft, completing the record-setting flight in 67 hours and one minute, with an average speed of nearly 300 miles per hour. This feat began on Monday, February 28, 2005, and ended Wednesday, March 3, 2005, at the renowned ''America's Fuel Stop,'' the Salina Municipal Airport, Kansas, USA. With aviation pioneers like Earhart, Beech and Cessna to its credit, it is only fitting that today's modem aviation pioneer chose Kansas as the location to set his world record.

Mr. Fossett is an accomplished adventurer, having set numerous world records in aviation and sailing. In fact, Mr. Fossett owns the world record for the number of world records held, with a total of 62, to date. Collaborating with Sir Richard Branson, famed British entrepreneur and founder of the Virgin Group of companies, he embarked on this around-the-world voyage, aiming to set world records in speed around the world without stopping or refueling, distance over a close circuit without landing, and distance without landing. The Virgin Atlantic GlobalFlyer, the plane Mr. Fossett flew for this trek, was specially designed to be lightweight, aerodynamic, and fuel-efficient.

Mr. Fossett encountered several obstacles during his flight, including the failure of his plane's navigation system and the discovery of a fuel shortage. However, his perseverance and determination to succeed, despite the challenges, have earned him yet another notation in the record books.

I am also proud of those who assisted Mr. Fossett and the Virgin Atlantic GlobalFlyer, especially the talented and dedicated staff of Dr. Dennis Kuhlman, Dean of the College of Technology and Aviation at Kansas State University at Salina. K-State at Salina is one of the top aviation schools in the nation, boasting excellent facilities for student use, which also helped to attract Mr. Fossett. The efforts of K-State at Salina to train aviation mechanics and pilots are helping to ensure safe air transportation into the next generation.

In addition, I extend sincere congratulations to the Salina Airport Authority Board of Directors, Mr. Tim Rogers, Executive Director, and the many fine airport staff members. While the airport's 12,300 ft. runway was a significant factor in the site selection for this historic attempt, it didn't hurt that the Salina Airport Authority has established expertise in the areas of airfield security, ground handling, equipment and media services.

Other significant contributors to the mission were the Salina Area Chamber of Commerce, led by Mr. Gerald Cook, President/CEO, and staff; and, the City of Salina, Mr. Monte Shadwick, Mayor; Mr. Dennis Kissinger, City Manager, and staff. This was truly a collaborative effort, of magnificent proportions, befitting a record-setting feat.

I join the world in congratulating Steve Fossett and honoring the contributions of the greater Salina community on a job well done.

HONORING BOB LANIER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in order to recognize the 80th birthday of Bob Lanier, former Mayor of Houston and a dedicated public servant. Bob may not have entered politics until after his 66th birthday, but he certainly made up for lost time in the 14 years that followed.

Bob had a distinguished career before he ran for Mayor of Houston. He served in the Navy during World War II, graduated from the University of Texas Law School with high honors, and chaired the Texas Highway Commission and Houston's Metropolitan Transit Authority.

Bob has been the recipient of several prestigious awards, including the Hubert Humphrey Civil Rights Award, the Bond Market Association's Distinguished Public Service Award, and a place in the Texas Transportation Hall of Honor.

Respected and admired by Americans on both sides of the aisle, Bob served the people of Houston exceptionally well during his three terms. They returned him to office in 1993 with over 91 percent of the vote, and he left office with a remarkable 78 percent approval rating.

Within his first 90 days in office, ''Mayor Bob,'' as he was affectionately known, added 655 police officers, leading to a dramatic reduction in the city's crime rate. He was also known for revitalizing several areas of Houston, transforming them into vibrant engines of the city's economy.

Further, he made tremendous strides in environmental preservation. He and his wonderful wife Elyse won two national awards for clean up and beautification of the city. President Clinton summed up Bob's contributions to the city when he said, ''He was a magnificent mayor.''

Bob received many accolades during his six years as mayor, but perhaps most fitting was when Texas Monthly named him one of three top Texas mayors of the 20th century.

Bob and Elyse are enjoying their retirement, and I am sure that their seven children and ten grandchildren will be a big part of helping them continue to enjoy it.

Mr. Speaker, I wish Bob a very happy 80th birthday, and I hope that I can share in the celebration of many happy returns.

REGARDING INTRODUCTION OF A HOUSE RESOLUTION RECOGNIZING THE GOALS AND IDEAS OF NATIONAL TIME OUT DAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a House resolution recognizing the goals and ideas of the National Time Out Day, which the Association of periOperative Registered Nurses (AORN) and over 50 other health care organizations are celebrating on June 22, 2005 to promote the adoption of a new protocol for preventing medical errors in the operating room.

The number of individuals who are affected by medical errors is astounding. In 2000, the Institute of Medicine released a report entitled "To Err is Human: Building a Safer Health System." The report revealed that between 44,000 and 98,000 hospitalized people in the U.S. die each year due to medical errors, and thousands of others suffer injury or illness as a result of preventable errors. To address this problem, the Joint Commission on Accreditation of Healthcare Organizations has developed a universal protocol which calls for surgical teams to call a "time out" before surgeries begin in order to verify the patient's identity, the procedure to be performed, and the site of the procedure. The Joint Commission has required nurses, surgeons and hospitals throughout the country to adopt this protocol effective July 1, 2004, in order to curb the alarming number of deaths and injuries due to medical errors.

AORN has created an Internet website and distributed 55,000 tool kits to healthcare professionals to help them implement the universal protocol, and they are celebrating National Time Out Day on June 23 to promote the protocol and its adoption. National Time Out Day has been endorsed by a distinguished group of healthcare organizations, including the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management.

Mr. Speaker, ultimately, this issue is about health care access and patient safety. I think it is important for Congress to recognize and congratulate perioperative nurses and representatives of surgical teams for working together to reduce medical errors and to ensure the improved health and safety of surgical patients. Fewer medical errors will result in better outcomes for patients, fewer medical malpractice suits, which in turn will help keep malpractice insurance rates and health care premiums down. I urge the House to adopt the resolution.

HONORING THE EXEMPLARY WORK OF EDDIE AGUILAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the exemplary work of Eddie Aguilar of Seguin, Texas for his dedication and commitment to community service. Eddie Aguilar has made the people of my Congressional district proud, by tirelessly dedicating his time to many non-profit organizations.

Mr. Aguilar is a self-proclaimed "full-time volunteer," since his retirement from military service. He has been an active volunteer with the Salvation Army, The Cranny, and the Guadalupe Family Violence Shelter. The life lessons that Eddie gained while he served two years in the United States Army, and fifteen years as a U.S. Marine have aided him when he volunteered his help during times of disaster; such as floods and fires that have affected his community.

Eddie also holds the position as disaster relief coordinator with the Salvation Army, and he formally served as a board member of the Guadalupe Family Violence Shelter and The Cranny. His work with the women's shelter and various children's groups has not gone overlooked.

Mr. Aguilar was honored by the Seguin community when Councilwoman Jo Anne Sutherland nominated him for the 2004 Time Warner Hometown hero award, many of his family and friends were in attendance when he accepted this award during a banquet in San Antonio, Texas. Honorees of this award are considered to be among the best of the community, and it is an opportunity to honor the area's un-sung heroes.

Aguilar takes no credit for his work, and praises his 78-year-old mother as being his constant inspiration. He recognizes his mother with instilling in him the belief of making a difference in someone's life and to think of others well-being ahead of his own.

I believe Mr. Aguilar has the qualities that make up a great citizen of Seguin. He demonstrates great dedication to community service, and I am further impressed by the little credit he wishes to receive for his work.

Mr. Speaker, I'm proud I have had this opportunity to recognize the noble service of Eddie Aguilar.

A PROCLAMATION IN MEMORY OF JOHN K. FINLEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY. Mr. Speaker,

Whereas, I hereby offer my heartfelt condolences to the family, friends, and community of Mayor John K. Finley; and

Whereas, Mayor Finley was a father, counselor, leader, friend, and mentor to thousands and will be deeply missed. His achievements and example will be always remembered; and

Whereas, Mayor Finley was a member of the West Virginia Fire Association, Ohio Fire Chief Association, and the Ohio Firemen's Association. He was the longest active member of the M&M Volunteer Fire Department; and

Whereas, Mayor Finley was a charter member and Elder of the Church of the Gospel Ministry in McConnelsville, and also a former member of the First Presbyterian Church of McConnelsville, where he served as Sunday School superintendent and treasurer; and

Whereas, Mayor Finley lived his life as a servant of the people as mayor and councilman of McConnelsville for more than 31 years, during which, his proudest accomplishments were the establishment of the Hawk Missile Site, the McConnelsville Swimming Pool, and updating McConnelsville's water and sewer systems; and

Whereas, the understanding and caring to which he gave to others will stand as a monument to a truly fine person. His life and dedication gave joy to all who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family, friends, and colleagues of Mayor John Finley.

TRIBUTE TO MR. TED JEFFERSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SERRANO. Mr. Speaker, I rise during this month devoted to the celebration of Black History to pay tribute to Mr. Ted Jefferson, an outstanding individual who has been actively involved in my community for more than 40 years.

For the past 18 years, Ted has served as the Executive Director of the Bronx Shepards Restoration Corporation. He has been a leading force in the Bronx in providing affordable housing through rehabilitation or new construction.

The Bronx Shepard's Organization offers home ownership opportunities to first time home buyers, a weatherization program with an annual budget of over 1.5 million dollars and a variety of other programs that are of direct benefit to residents of the Bronx community. An example of Ted's leadership was the construction of the Daniel Nickerson Arms building, a home for the frail and elderly. He led Bronx Shepards in developing what began as a vision into what now stands as a model of how the government, the private sector and the local community can overcome insurmountable odds when working together.

Ted has also served the community as a volunteer with the Morris Heights Neighborhood Improvement Association, the Webster Action Committee, Community Board #13, Community Board #6, the Twin Parks Association, the Community Advisory Board of the Local Initiative Support Corporation and the Bronx Borough President's transition team. He is presently a member of the board of the Marcella Brown Foundation and the President of Black United Leadership in the Bronx.

Ted's philosophy is to develop a vision for the Bronx in which all of its residents have the opportunity to enhance their quality of life through the development of educational, social, economic and housing opportunities.

Mr. Speaker, during Black History Month we honor individuals such as Harriett Tubman, and Rosa Parks; African Americans who sacrificed their own well-being so that all Americans could have the opportunity to enjoy the inalienable rights of life, liberty and the pursuit of happiness. Today I want to honor not only these great Americans but also those who in the spirit of selflessness, continue to help others achieve a better life. I ask that my colleagues join me in paying tribute to Mr. Ted Jefferson for his outstanding service to the people of my community.

TRIBUTE TO CAPTAIN BUSTER EDWARDS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding South Carolinian who has dedicated his life to protecting our nation's citizens. It is with great pleasure that I commend South Carolina's State Law Enforcement Division (SLED) Captain Buster Edwards as he retires from a second career in public service.

Captain Edwards was born in North Charleston, South Carolina and has returned to his native area, now making his home in Summerville. As a young 17-year-old graduate of Chicora High School, Captain Edwards joined the United States Marine Corps. After five months of Basic Training he was sent to South Vietnam where he served as an infantry soldier from November 1967 to June 1969. He was awarded two Purple Hearts for wounds he received during his tour.

Upon returning to the States, Captain Edwards spent another 20 years in the Marine Corps serving at Camp Pendleton, Camp Lejeune, and Twentynine Palms. While on active duty, he furthered his education eventually earning a Bachelor's Degree in Political Science from the College of Charleston. He retired from the Marine Corps in 1987.

After his first career serving in the military, Captain Edwards sought to use his talents in law enforcement. He began his second career with SLED as a latent fingerprint technician in the forensic laboratory. Captain Edwards steadily rose through the ranks from lab technician to Field Agent, Lieutenant, and finally Captain. In this last position, he served as the Special Agent-in-Charge overseeing SLED's operations in the Low Country Region of South Carolina. On February 18, 2005, Captain Edwards retired from this second career to focus on his personal passions in life.

Captain Edwards is an active member of Wesley United Methodist Church in Ladson, South Carolina, and helps organize crime prevention and awareness activities in his community. Captain Edwards has received several awards from the United Negro College Fund for his ongoing volunteer work to raise money for college scholarships. And has been very helpful to me as a member of my 6th Congressional District Advisory Committee that helps select the nominees I recommend to the U.S. Military Academies each year.

Captain Edwards has two adult children, three grandchildren, and a son-in-law and daughter-in-law.

Mr. Speaker, I ask you and my colleagues to join me today in recognizing the accomplishments of Captain Buster Edwards and congratulating him upon his retirement. His selfless dedication on behalf of his state and his country deserve commendation.

HONORING THE PUBLIC SERVICE OF ROBERT P. HENRY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor a man whose 35 years of public service to the City of Los Angeles serves as an example to us all. I would like to acknowledge this outstanding gentleman whose reputation for hard work, enthusiasm, and diligence is well deserved.

Since beginning his career in 1970 Mr. Henry has worn many different ''hats'' within the Harbor Department. In each role he demonstrated an exceptional degree of competency and innovation.

In 1982, Mr. Henry established the Harbor Department's first word processing center. This groundbreaking project provided typing support to the entire department. Mr. Henry's visionary thinking and leadership is evident in his taking on the task of bringing the popular Red Cars back to the Los Angeles area. Years of research, regulations, and endless paperwork culminated in the 2003 successful launch of the Port of Los Angeles Waterfront Red Car Line, which carries hundreds of happy passengers each week.

Mr. Henry's commitment to the City of Los Angeles goes beyond his years of dedicated service in the Harbor Department. Throughout his career he also found the time for community work, donating hundreds of hours to make recordings for the blind and dyslexic. Mr. Henry set a high standard for stellar public service to the Harbor Department, the city, and his fellow citizens. His family, neighbors, and indeed the entire community of Los Angeles are all enriched by his years of dedication and service.

Therefore, Mr. Speaker, it is with pleasure that I take this opportunity to express my thanks, and that of a grateful city, to Robert P. Henry for 35 years of dedication and public service.

A TRIBUTE TO AILEEN ROSA-ARROYO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Aileen Rosa-Arroyo who has dedicated her career to educating our children from toddler to adulthood.

Aileen was born in Brooklyn, New York on November 9, 1962 and is the daughter of Judith Valentin and Gilberto Rosa. She is happily married to Miguel Angel Arroyo, Jr. of Long Beach, N.Y. and is the proud mother of three beautiful children, Alexandra, 14, Isabella Angelica 3 and Christopher Michael who is 10 months old. They reside with their children in Island Park, New York and are surrounded by loving and doting grandparents, Miguel and Lily Arroyo.

Early in her education, Aileen distinguished herself as an excellent student. Graduating from the elite Mary Louis Academy in Jamaica Estates, New York, she majored in English, Spanish and Music. She was then awarded a four-year scholarship for academic excellence to St. John's University, where she studied Communication Arts & Sciences, and did an internship at a television station in production and sales. Her graduate work is in Early Childhood & Elementary Education, completing a Master's Degree in Education and post-graduate work in Bilingual Education and English as a Second Language from Long Island University. Understanding the need for role models in a position of leadership in the educational field and in her community, she then went on to do her second Master's Degree in Supervision and Administration at The College of New Rochelle.

Aileen is the Director of Education & Administration of one of the largest child-care facilities in the City of New York, The Grand St. Settlement Child & Family Center located in the Bushwick section of Brooklyn. The facility services toddlers, pre-school and school-age children and has Head Start and Universal Pre-K Programs. She is an accomplished educator, holding NYS Permanent Licenses and Permanent Certifications in Supervision & Administration, Early Childhood & Elementary Education, Bilingual Education and Teachers of English to Speakers of Other Languages. Her experience spans from pre-k to college, having worked as a teacher in the NYC and Long Island public schools for over 15 years and as a professor at both Touro and Boricua Colleges.

Aileen has always been an active leader in our community. She has been honored three times with the Caritas Citation for Community Service and The American Legion Award for Community Service. She has received numerous decorations from the New York City Police Department for Dedicated Service, and the New York State Senate has presented her two citations for Community Service and Outstanding Leadership. The University of The State of New York has bestowed upon her Recognition for Professional Achievement. She is a member of the American Federation of School Administrators, the Council of Administrators & Supervisors, the New York State Association for Bilingual Educators, and Phi Delta Kappa Education Fraternity. Aileen has organized and implemented educational and training programs for children, teens and parents, and staff development for colleagues. She has spent her life giving to others. Her role as an outstanding educator and community leader impacts the lives of many in a positive fashion.

Mr. Speaker, Aileen Rosa-Arroyo has been a leader in her community by ensuring that every member of her community has the opportunity to be educated and succeed. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNITION OF DR. KENNETH L. SAUNDERS, SR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. PALLONE. Mr. Speaker, I rise today to recognize the achievements of a dedicated member of my community, Dr. Kenneth L. Saunders, Sr. Next month, Dr. Saunders will be celebrating his 16th pastoral anniversary at the North Stelton A.M.E. Church. He has emerged over the years as a community leader as well as a dedicated member of his congregation. Under his committed administration, the congregation at North Stelton has more than doubled.

In addition to serving his community through the church, Dr. Saunders works as State Parole Board Commissioner, Chaplain of the local police department, and New Brunswick Theological Seminary Trustee. He has received numerous accolades including Senatorial commendation, the humanitarian of the year award from the Rutgers University School of Medicine and Dentistry, and the Martin Luther King, Jr. award from the local chapter of the NAACP.

Dr. Saunders is also devoted to his family life. He has been married to Sister Shirley Harris Saunders for 25 years and is the proud

father of Kenneth L. Saunders, Jr. The efforts of Dr. Saunders in the community and the church have benefited many citizens throughout his career.

I ask my colleagues in the United States House of Representatives to join me in recognizing the outstanding accomplishments of Dr. Kenneth L. Saunders, Sr., an exemplary citizen that I am proud to represent here in Congress.

AN EXCERPT FROM DR. ARNOLD S. RELMAN'S NEW REPUBLIC ARTICLE: ''THE HEALTH OF NATIONS''

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize an excellent article recently published in the New Republic. It has been apparent for years that free market solutions will do nothing to ameliorate the healthcare crisis in our nation. This article, authored by Arnold S. Relman, M.D., the former editor of the New England Journal of Medicine, shows us exactly why market forces hinder, not help our attempts to reform the system.

In his article, Dr. Relman explains how free market approaches—focused on consumer driven health care and individually purchased high deductible health plans—will only exacerbate the problem of the uninsured. The only thing that is empowered by these solutions is blatant discrimination against the sick and poor who will not have affordable access to care. We already have 45 million uninsured in this country, and according to Dr. Relman that number will only continue to grow if we continue down this dangerous path.

Dr. Relman proposes a solution that isn't politically popular but would fix the myriad problems in our current system. It starts with a ''tax-supported national budget for the delivery of a defined and comprehensive set of essential services to all citizens at a price we can afford.'' This universal system would rely on networks of not-for-profit providers supplying all the care covered under the national plan. A new federal agency would administer the plan, generating huge economies of scale and reducing spending by billions. This is the only real solution to our current crisis, and I commend Dr. Relman for taking a tough stand on this difficult issue.

It is with pleasure that I submit the attached excerpts from the article, ''The Health of Nations,'' for inclusion in the CONGRESSIONAL RECORD. The article originally appeared in the March 7, 2005 edition of the New Republic.

[From the New Republic, March 7, 2005]

EXCERPTS FROM: THE HEALTH OF NATIONS

(By Arnold S. Relman)

In this past election season, our dysfunctional and extravagantly expensive health care system was pushed off the front pages by concerns about the candidates, the fight against terrorism, and the war in Iraq. And yet the health system's problems will not go away; sooner or later we will have to solve them or face disastrous consequences. Over the past four decades (starting just before the arrival of Medicare and Medicaid), both the system itself and ideas about how it should be reformed have changed a lot, but an equitable, efficient, and affordable arrangement still eludes us.

During the past four decades our health policies have failed to meet national needs because they have been heavily influenced by the delusion that medical care is essentially a business. This delusion stubbornly persists, and current proposals for a more ''consumer-driven'' health system are likely to make our predicament even worse. I wish to examine these proposals and to explain why I think they are fundamentally flawed. A different kind of approach could solve our problems, but it would mean a major reform of the entire system, not only the way it is financed and insured, but also how physicians are organized in practice and how they are paid. Since such a reform would threaten the financial interests of investors, insurers, and many vendors and providers of health services, the short-term political prospects for such reform are not very good. But I am convinced that a complete overhaul is inevitable, because in the long run nothing else is likely to work . . .

. . . In 1963, a seminal analysis of the medical care system as a market was published in the American Economic Review by the distinguished economist Kenneth J. Arrow. He argued that the medical care system was set apart from other markets by several special characteristics, including these: a demand for service that was irregular and unpredictable, and was often associated with what he called an ''assault on personal integrity'' (because it tended to arise from serious illness or injury); a supply of services that did not simply respond to the desires of buyers, but was mainly shaped by the professional judgment of physicians about the medical needs of patients (Arrow pointed out that doctors differ from vendors of most other services because they are expected to place a primary concern for the patient's welfare above considerations of profit); a limitation on the entry of providers into the market, resulting from the high costs, the restrictions, and the exacting standards of medical education and professional licensure; a relative insensitivity to prices; and a near absence of price competition.

But perhaps the most important of Arrow's insights was the recognition of what he called the ''uncertainty'' inherent in medical services. By this he meant the great asymmetry of information between provider and buyer concerning the need for, and the probable consequences of, a medical service or a course of medical action. Since patients usually know little about the technical aspects of medicine and are often sick and frightened, they cannot independently choose their own medical services the way that consumers choose most services in the usual market. As a result, patients must trust physicians to choose what services they need, not just to provide the services. To protect the interests of patients in such circumstances, Arrow contended, society has had to rely on non-market mechanisms (such as professional educational requirements and state licensure) rather than on the discipline of the market and the choices of informed buyers.

Of course, another conclusion could have been drawn from Arrow's analysis (though he apparently did not draw it). It is that medical care is not really a ''market'' at all in the classical economic sense, and therefore that the basic theories of economics are not relevant to the discussion of the first principles of health care. But our society assumes that market economics applies to virtually all human activity involving the exchange of goods or services for money, and this dogma is rarely questioned. Most economists would acknowledge that medical care is an imperfect or idiosyncratic market, but still they believe that it is a market, and that it should therefore obey economic predictions . . .

. . . In 1980, in The New England Journal of Medicine, I described this changing face of American health care as the ''new medicalindustrial complex.'' The term was derived, of course, from the language that President Eisenhower had used (''military-industrial complex'') when warning the nation, as he was retiring, about the growing influence of arms manufacturers over American political and economic policies. Referring to Arrow's analysis, I suggested that market-driven health care would simply add to the explosion of medical expenditures and the growing problems of inequity and variable quality. I was also worried that this uncontrolled industrial transformation would undermine the professional values of physicians, which are surely an essential ingredient of any decent medical care system. Financial incentives were replacing the service ethic of doctors and hospitals, as the providers of care began to compete for market share and larger income. Yet competition on the basis of the price and quality of services—an essential characteristic of most free markets—was little in evidence, demonstrating again the truth of Arrow's argument that the medical care market was different . . .

. . . In an increasingly profit-driven and entrepreneurial medical market, piecework payment for specialized outpatient services stimulated an even greater fragmentation of medical care and a greater use of individually billable items of outpatient technological service. Less attention was given to the continuity and the integration of care, and to preventive medicine. Decreased payments to primary-care physicians and increased pressure on them to see more patients reduced the time that they spent with each patient. As a consequence of all these developments, the quality of primary care suffered, and the difference between the quality of average medical care and the best medical care widened, even as per capita expenditures rose and the number of uninsured and underinsured patients increased. This quality ''gap'' was the subject of a major report in 2001 from the Institute of Medicine of the National Academy of Sciences, which described the many deficiencies in the way patients were being treated and suggested how their medical care could be improved. Unfortunately, the experts preparing the report were not asked to consider how the system itself might be restructured to facilitate the needed improvements.

And so we now live with a seriously defective medical care system, based more heavily on market incentives than the health care regime of any other country in the world. The commercial tone is set by investor-owned insurance companies (the major share of the private insurance market), investor-owned hospitals (about 15 percent of all community hospitals), and investor-owned ambulatory-care facilities and nursing homes (the great majority of both these markets). The behavior of many of the so-called ''not-for-profit'' health care facilities is not much different from that of their investor-owned competitors, because they have to survive in the same unforgiving marketplace, which is indifferent to the social values that originally motivated most health care institutions. As for American physicians, their attitude toward their profession has also been changed by the new medical marketplace. To a degree greater than anywhere else in the world, our doctors think of themselves as competitive business people. As such, they own or invest in diagnostic and therapeutic facilities (including specialty hospitals), they form investor-owned medical

groups, and they advertise their services to the public . . .

. . . Our failure to address the glaring deficiencies and inequities in our health care system is nothing to be proud of. A growing number of people are losing their private health insurance. There are now more than 45 million Americans without coverage. Much of this is due to the loss of good jobs, but high costs are also a significant factor. The financial burdens of those who are insured increase steadily, as hard-pressed employers reduce covered benefits and increase the fraction of insurance costs being shifted to beneficiaries. Rising health costs are threatening the financial stability and competitiveness of many American businesses, and are discouraging the hiring of new full-time workers. The government is also shifting insurance costs to Medicare beneficiaries, as exemplified by the recent large increase in the premium charged for coverage of outpatient medical services and physicians' care (''Part B'').

What really astonishes me is that so many conservative business and health policy experts continue to hold an unshakable faith in a market solution for our system's major problems. They believe that market forces have not been allowed to contain costs or to improve access and quality because of government regulation, and because of badly designed insurance that prevents consumers from playing an appropriate role. They think that the consumers of medical care in both public and private insurance systems have not had enough influence on the supply of services and have not been sufficiently involved in price negotiations with providers. These days the ''free market'' is held to be the solution to most social and economic problems, and it is commonly believed that in health care the most important missing ingredient of a free market is the traditional consumer who has the incentive and the ability to bargain for the desired price and quality of services. So it shouldn't be surprising that the idea for improving our health care system that is currently most popular is so called ''consumer-driven health care,'' or CDHC.

The term ''consumer-driven health care'' is used to mean a market for medical care in which patients, as the ''consumers'' of medical services, would have a lot more responsibility for choosing those services and would share more of the costs. In the most fully developed proposals, providers of medical care (physicians, hospitals, clinics, and so on) would compete for patients on the basis of quality, price, and convenience—not simply for market share, as they do now. Patients, like consumers in any service market, would have access to all the information they need to make their own health care choices. They would choose and own their insurance plans. They would select not only their health care providers, but also the particular medical services they want. Since they would share more of the costs, they would have an incentive to make prudent choices and to demand higher quality. The net result, it is claimed, would be a better, less expensive health care system . . .

. . . The assumption of the CDHC system is that such a plan would moderate health care inflation by encouraging patients to become more prudent consumers of elective and non-catastrophic health services, because they would be spending money they otherwise could invest in their savings account. It is also assumed that in competing for business, the providers of medical care would try to make their services more attractive to patients by improving quality and convenience, as well as by moderating their prices . . .

. . . There are compelling reasons, I think, to predict that they will not. For a start, high-deductible insurance is not likely to produce reductions in expenditures, except among low- and modest income families, who would feel financial pressure to cut their doctor visits and their use of other medical services. There is good experimental evidence that high deductibles have such selective effects, which expose the most vulnerable patients to greater health risks. Higher earning beneficiaries would not feel such pressure and would continue to use all medical services freely. Whatever reductions in total expenditures might occur would be achieved largely through reducing services to those with lower earnings. Adjusting the size of the deductible in approved plans to the income of the beneficiaries might ameliorate that injustice, but it would add to administrative costs and would be virtually impossible to do properly—given the difficulties in making fair assessments of financial need.

If people were allowed to select whatever insurance plan they wanted, the inequity would probably increase in another way. Healthy, young families would choose the least expensive plans with the highest allowable deductible, and those with health problems would be forced to choose plans with the lowest allowable deductibles but higher premiums. The premiums or the required co-payments of the latter plans would spiral upward because of the greater use of services by sicker beneficiaries, so it would become even harder for those with the greatest need for insurance to afford coverage. In this way, one of the most important values of insurance—the sharing of risks over a broad population base—would be lost. Adjusting the contribution of employer or government to the health status of the beneficiaries has been suggested as a means of avoiding this problem, but the relatively primitive state of the art of risk adjustment and the difficulty in applying it to families make this solution unlikely. It also would add greatly to administrative costs . . .

. . . The CDHC plans that are now being advocated by believers in the magic of markets shift to patients not only a large part of the responsibility for being their own doctors, but also the burden of paying more of the cost—and that burden would be heaviest on the poorest and sickest of our citizens. This is surely a denial of the ethical principle underlying universal coverage and the sharing of costs. But the major payers, government and employers, are no longer willing or able to shoulder health care's rising costs, and so they are promoting CDHC. They may justify their views by arguing that it makes sense to shift more of the costs to patients because patients are in the best position to put the brakes on health cost inflation. This might be a reasonable argument if medical care were like other services in other markets—but it is not.

For all these reasons, then, ''consumer-driven'' plans are unrealistic and unfair, and they are not likely to be politically viable in the long run. There is some understandable support for the idea that individuals should be more responsible for the cost of elective or optional medical services, but most people believe that the availability of needed services should not depend on ability to pay. We are a wealthy society, and decency requires that we make equitable arrangements to ensure at least minimally adequate health care for all—a goal that is beyond the scope of market forces. . . .

. . . When that time comes, we should be prepared to replace a failed market-based system with a better one that can deliver the health care we need. What kind of system might that be? The question cannot be confidently answered in any detail before the market-based system has run its course, and before there has been some preliminary experience with non-market-based models—perhaps at first in a few states. Still, a few general principles and objectives can be proposed now, based on what we have learned from our experience during the past four decades and on what we know about the essential nature of medical care.

First, since we cannot rely on the free play of markets to control costs or guarantee universal coverage, we should establish a tax-supported national budget for the delivery of a defined and comprehensive set of essential services to all citizens at a price we can afford. Employers should pay an appropriate part of the tax for their employees. These services should include both acute and long-term care, and they should be exclusively reimbursed through a single-payer national insurance plan, with other elective and non-essential services paid out of pocket or through privately purchased insurance. No services covered by the national plan should also be covered by private insurance plans, but the latter could insure services, such as ''aesthetic'' plastic surgery and private hospital rooms, that would not be covered by the national plan. There should be no billing by providers and no piecework payment in the single-payer plan, thus eliminating the huge business costs and the colossal hassle of the present billing and payment systems in multiple public and private insurance plans.

Second, not-for-profit, prepaid multi-specialty groups of physicians should provide all necessary medical care on the approved list of insured services. The physicians in the groups should be paid salaries from a pool of money that would be a defined percentage of the total patient income received by the group from the central payer. The groups should be privately managed but publicly accountable for the quality of their services, and they should be expected to use standardized information technology that could be integrated into a national data system. They should be indemnified against losses due to adverse selection or other costs beyond their control, assisted with start-up and technology expenses, and exempted from antitrust restrictions. They should compete for patients on the basis of the quality of their services. All groups should be open to all citizens, although the number of members for a given-sized group should be regulated to ensure an appropriate ratio of doctors to patients.

Third, patients should be free to choose their own physician group and to switch membership at specified intervals, but everyone must be included in the national plan and belong to a group—including politicians. (Lawmakers are unlikely to neglect the needs of a health care system that provides care for themselves and their families.)

Physicians should be free to join any group that wanted them and to change their affiliation, but they should not provide services outside the national system that are covered by the latter.

Fourth, all health care facilities (whether privately or publicly owned) that provide services covered by the central insurance plan should be not-for-profit, and should compete on the basis of national quality standards for patients referred by the physicians in the medical practice groups. Facilities should be paid, and monitored for their performance, by the central plan. They should have no financial alliances with the physicians or the management of the medical groups. Teaching facilities should be separately funded by the national plan and be paid for their extra costs, including education. Budgets in all facilities should include salaries for full- and part-time clinicians providing essential services.

Fifth, the health care system should be overseen by a National Health Care Agency,

which should be a public-private hybrid resembling the Federal Reserve System. It should be independently responsible for managing its budget and establishing administrative policy, but should report to a congressional oversight committee and to the public. It is essential that the plan be sufficiently independent of congressional and administration management to be protected from political manipulation and annual budgetary struggles. . .

. . . Our present medical care system lacks the structure and incentives to improve the quality of care. A not-for-profit system of salaried physicians, who work together in groups that have no financial incentive to do more or less than is medically appropriate, who compete with other medical groups only on the basis of quality and their attractiveness to patients, and whose results are publicly accountable, could be expected to deliver the kind of health care we need. The quality of care would also be improved by a system of competing not-for-profit facilities that are held to national standards.

As for access and equity, the plan outlined here would guarantee universal coverage for all essential services and would allow employers and individuals to share in the costs through an earmarked and graduated tax. The government would be expected to pay the costs of today's uninsured, as well as the contributions it now makes to government insurance programs. Given the large savings expected in this system, the change in net costs to government should be minimal. . .

. . . A real solution to our crisis will not be found until the public, the medical profession, and the government reject the prevailing delusion that health care is best left to market forces. Kenneth Arrow had it right in 1963 when he said that we need to depend on ''non-market'' mechanisms to make our health care system work properly. Once it is acknowledged that the market is inherently unable to deliver the kind of health care system we need, we can begin to develop the ''nonmarket'' arrangements for the system we want. This time the medical profession and the public it is supposed to serve will have to be involved in the effort. It will be difficult, but it will not be impossible.

CHINA'S ANTI–SECESSION LAW

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to bring to my colleagues attention an anti-secession bill that is currently under consideration in The People's Republic of China's National People's Congress Standing Committee. Although the language of the draft of this law has not been made public, many Taiwanese are troubled. They are concerned that if such legislation is passed it may lead to future military action against them if Taipei does not succumb to Beijing's One China principle. This proposal should concern the United States because of our commitment to help preserve a democratic Taiwan.

However, Beijing should be commended for its recent conciliatory gestures that appear aimed at lowering tensions across the Taiwan Strait. These include the first non-stop, cross-strait charter flights between the mainland and Taiwan for the February Lunar New Year holiday and the dispatch of two senior Chinese officials to the funeral of Koo Chen-fu who headed Taiwan's Straits Exchange Foundation. Yet the impending law could prove counterproductive to these actions in several ways.

The proposed law could result in China taking military action against Taiwan if it appears to Beijing that Taiwan is moving toward independence. Most Taiwanese would like to peacefully co-exist with the mainland, if creative ways to do so can be negotiated between Beijing and Taipei.

The status of hundreds of thousands of Taiwanese living in China could also become uncertain as a result of this legislation. Some have questioned whether this means that statements interpreted as supporting Taiwan could be the legal basis for charges of treason or other criminal actions—a scenario causing deep concern in the Taiwanese business community on the mainland.

Furthermore, the law has received a negative reaction from the citizens of Taiwan and could lead to increasing support for the very independence moves it seeks to deter. This legislation will not encourage negotiations that are needed to attain a peaceful resolution to tensions in the Taiwan Strait.

President Bush clearly stated that the basic tenets of his foreign policy will be the expansion of democracy and freedom across the globe. It is my hope that the Bush Administration will encourage China not to pass the proposed antisecession law.

A PROCLAMATION HONORING MR. CLIFF McKARNS ON HIS 85TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY Mr. Speaker:

Whereas, Cliff McKarns was born on February 19, 1920, and is celebrating his 85th birthday; and

Whereas, Cliff McKarns, a World War II Veteran who is to be commended for his great service to our nation; and

Whereas, Cliff McKarns is a retired farmer and employee of Summitville Tile in Summitville, Ohio; and

Whereas, Cliff McKarns is loved and appreciated by all his family members.

Therefore, I join with the family of Mr. Cliff McKarns and the residents of the entire 18th Congressional District of Ohio in wishing Mr. Cliff McKarns a very happy 85th birthday.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY COMMISSIONER PAUL ELIZONDO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Bexar County Commissioner Paul Elizondo for a lifetime of distinguished public service.

Paul Elizondo began public life as a music teacher in the Edgewood and San Antonio public school districts. He was a member of a wide variety of professional organizations, including the National Education Association, the Texas Classroom Teachers Association, and the Music Educators National Conference.

He was first elected to the State House of Representatives in 1978, and served for four years, working on the Public Education, State Affairs, and Constitutional Amendments committees. In 1983, he made the transition to county service. He was elected Commissioner for Precinct 2, and has been serving San Antonio as a Bexar County Commissioner for over 20 years.

He has been involved in a wide variety of community organizations, including the Center for Health Care Services, the Metropolitan Planning Organization, the Private Industry Council, and the National Council of Community Mental Health centers. An energetic public servant, a veteran of the United States Marine Corps, and a beloved teacher he is an inspiration to the community.

Mr. Speaker, Bexar County Commissioner Paul Elizondo is a credit to his community and a tremendous resource to his county.

H. RES. 16, NATIONAL MANUFACTURING WEEK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. KIND. Mr. Speaker, I rise to speak favorably on House Resolution 16, supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector.

The American manufacturing industry has been a key to our economic success in the past, and will continue to be a key to our economic success in the future. As a member of the Congressional Manufacturing Task Force, I have focused on how the federal government can most effectively help small and medium sized manufacturers compete and grow in western Wisconsin and throughout the country. Through good investments and smart practices, the federal government can better assist American companies and help our nation keep its economic edge.

We need to invest in proven programs that help small and medium sized businesses, such as the Manufacturing Extension Partnership (MEP). The MEP provides our manufacturers with the tools to compete in a competitive marketplace. It increases our country's manufacturing productivity and competitiveness, resulting in expanded economic activity and an enhanced tax base. It aids in the creation and retention of well-paying manufacturing jobs for American workers, and it is vital to our nation's small manufacturers. That is why I have supported level funding of $109 million for the MEP in FY 2006.

Mr. Speaker, I fully support House Resolution 16, supporting the goals of National Manufacturing Week, and I congratulate American manufacturers for their contributions to our economic success.

HOW WE CAN HELP AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. RANGEL. Mr. Speaker, the plight of Sub-Saharan Africa is one that has concerned our country for some time now. Africa faces many challenges that potentially threaten long-term stability, including the world's most serious HIV/AIDS pandemic, widespread rural and urban poverty, and civil and ethnic conflict. In constant dollar terms, incomes in Africa are only about $100 higher than in 1960.

With so many problems facing the continent, many Americans may wonder what they themselves can do to help. This question was addressed in a recent news release from Julius E. Coles, President of Africare. Africare is the oldest and largest African-American organization dedicated to African development. While his organization oversees the distribution of millions of dollars to projects across Africa, Mr. Coles has offered in this release some simple steps that average Americans can take in the effort to help Africa. In short, he advocates that Americans get to know Africa—its history, people, food, languages, music, and current events.

In so doing they will be gaining the knowledge and understanding necessary to advocate effectively for Africa to their elected officials. With large African communities in most cities, Americans have ample opportunity to get to know Africa without even leaving home. Americans should also begin to invest in companies and ventures that engage in sustainable and mutually beneficial investment in Africa, or take the extra step to buy products made in Africa.

In addition, Americans should remember to donate to reputable charity and nonprofit organizations that operate in Africa. As governmental capacity in most African nations is lacking, the non-profit sector serves an important role in providing assistance to those in need. Again I thank Mr. Coles for his release, it clearly reminds us that we all can help Africa, we need only take the first simple step.

[From Africare, Feb. 25, 2005]

10 WAYS YOU CAN HELP AFRICA

(By Julius E. Coles)

WASHINGTON, DC.—I have worked with Africa for nearly 40 years; and as a result, I am often approached by people here in the United States who want to help the people of Africa but who also feel overwhelmed. It may be the continent's vastsize that intimidates, or the depth of some of its challenges, or the media reports that highlight Africa's problems but minimize the progress that has been made. ''Can I really make a difference?'' people ask. ''Yes,'' I always tell them, ''you can.''

As I write these words, Black History Month is nearing its end. We have celebrated the achievements of our African-American community and honored our hereditary roots in Africa. Now, I propose that we Americans continue the celebration by committing ourselves to help Africa year-round. What follows are 10 ways in which you—an individual, a family, a member of a social or civic group, a small business, a church, a school—can do just that.

Read. The more you know about Africa, the better you can motivate others to help. Read a survey of African history since the dawn of humankind more than 200,000 years ago. Read a book about black African leaders, from the Kushite pharaohs of ancient Egypt to the giants of 20th century independence (Nelson Mandela of South Africa, Leopold Senghor of Senegal, Jomo Kenyatta of Kenya, Kwame Nkrumah of Ghana, Haile Selassie of Ethiopia and more). Follow African current events on Web sites like AllAfrica (allafrica.com), BBC News (newsbbc.co.uk/2/hi/afiica) and CNN (www.cnn.com/WORLD/africa/archive).

Teach, learn. If you're a teacher, plan a lesson or special project about Africa. If you're a parent, look for a fun ''African experience'' your family can share. If you're a student, do a research paper on Africa or start an Africa Club with your friends. If your school has African students, have a special assembly and ask them to speak.

Write. Voice your views and perspectives on Africa-related issues. Write a letter to your senator, member of congress, or state or local government official. Share your concerns with companies engaged in Africa. Author a guest editorial for your community or school newspaper, or a posting to your favorite Internet message board.

Speak. If you've traveled or worked in Africa, give a talk to a group you belong to. If you've never been to Africa, arrange for an African immigrant who lives in your community to speak.

Travel. If you have the means, visit Africa. Consider a group trip: traveling in groups can add to the fun as well as reduce the costs (group discounts are often substantial); As much as possible, do business with African vendors for transport, lodging and tours. While in Africa, absorb the beautiful scenery and cultural sites—but also take the time to meet local people, learn about their lives and understand the development challenges that they face. Finally, stay connected, and committed, once you return home. For example, if you visited a drought-prone country, involve your friends in raising funds for water wells.

See, hear, eat . . . enjoy! African culture is accessible in most American cities. You can see an African film (Afrique-sur-Seine, The Gods Must Be Crazy) or a film about Africa (Hotel Rwanda, The Lost Boys of the Sudan, Cry Freedom). Attend a performance of African music or dance. Visit an African art museum. Eat at an African restaurant. Enjoy and appreciate the incredible variety of cultures that are ''African'' and share those enthusiasms with others.

Meet. Almost every city and many smaller communities in the United States are home to first-generation Africans. Find opportunities to meet your African neighbors, to learn from them and to invite their participation in local organizations. Reach out especially to new arrivals, who might welcome your help finding housing and jobs and generally adjusting to American life.

Invest. You may be in a position to invest in an African business or to join a group of investors with African interests (there are growing numbers of African investment funds you might want to explore). On the other hand, even the simple act of buying African art in an American store helps to support the artists and their families in Africa. Depending on where you work, you might also engage your employer in African investment or trade.

Donate. Make a charitable donation to one of the many reputable organizations assisting Africa. Your gift may be large or small. Usually you can give online. You can support special projects or offer to help ''where needed most'' in Africa. You can give individually; you can organize a fund raiser; you can give in your workplace.

Share. Send this article to 10 people, and ask each to send it on to 10 more—and encourage all recipients to help Africa this year in one of the nine other ways presented above.

HIS HOLINESS THE DALAI LAMA ON TIBETAN UPRISING DAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. KIRK. Mr. Speaker, I request the attached copy of the annual statement of His Holiness the Dalai Lama marking March 10, 2005 as the 46th anniversary of the Tibetan Uprising of 1959 be included in the CONGRESSIONAL RECORD.

On March 10, 1959, the people of the Tibetan capital of Lhasa surrounded the home of the Dalai Lama in a brave effort to protect him from the Peoples' Liberation Army's guns that were trained on his compound from across the river. These Tibetans refused to leave even after the Chinese artillery fire began falling. On March 17, 1959, the Dalai Lama fled into exile in a futile effort to protect them; thousands died during the Chinese assault on the city, and thousands more died as the PLA moved to suppress a nationwide uprising against their increasingly repressive occupation of Tibet.

Despite China's history of aggression and brutality, the Dalai Lama has worked for more than forty years to promote Tibetan self-determination through non-violent means. I am proud that the U.S. Congress is a beacon of support for the Tibetan struggle. As the lead sponsor of the Tibetan Policy Act of 2002, I was pleased to see the Congress come together recently in support of a strong U.S. policy on Tibet.

The Dalai Lama's release of his annual March 10 statement today highlights key points regarding for the Tibetan people and the world. Four decades of Chinese-led economic and social changes in Tibet have not primarily benefitted the Tibetan people. There continues to be instability in Tibet not because of ''splittist activities'', but because of a profound lack of human rights, religious freedom and self-rule on the ground in Tibet. China itself has made tremendous economic progress during the past twenty or thirty years, but China's image in the world remains tarnished by her human rights records, undemocratic actions, the lack of the rule of law and the unequal implementation of autonomy rights regarding minorities. The renewed contact between the Tibetan and Chinese leadership, including the third round of meetings last September, are resulting in gradually improving interactions. It is my hope the future will continue to see improvements in the dialog.

THE STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE 46TH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING DAY

On the occasion of the 46th anniversary of the Tibetan People's Uprising, I convey my warm greetings to my fellow Tibetans in Tibet and in exile and to our friends around the world.

During these more than four decades great changes have taken place in Tibet. There has been a great deal of economic progress along with development in infrastructure. The Golmud-Lhasa railway link that is being built is a case in point. However, during the

same period much has been written by independent journalists and travelers to Tibet about the real situation in Tibet and not what they have been shown. Most of them portray a very different picture than what the Chinese government claims, clearly criticizing China about the lack of human rights, religious freedom and self-rule in Tibet. What has actually happened and is still happening is that since the establishment of the Tibet Autonomous Region the real authority has been solely held by Chinese leaders. As for the Tibetan people, they have been facing suspicions and growing restrictions. The lack of true ethnic equality and harmony based on trust, and the absence of genuine stability in Tibet clearly shows that things are not well in Tibet and that basically there is a problem.

Prominent and respected Tibetan leaders in Tibet have spoken out on this from time to time and even suffered because of their courageous acts. In the early 1960s, the late Panchen Lama outlined the sufferings and aspirations of the Tibetan people in his petition to the Chinese leaders. Baba Phuntsok Wangyal, one of the foremost Tibetan communist leaders, in his recent biography published in English dwells at length on the need to meet the interests of the Tibetan people. In fact, it is clear that most senior Tibetan officials in Tibet deep in their hearts are extremely dissatisfied.

This year the Chinese government will mark the 40th anniversary of the establishment of the Tibet Autonomous Region. There will be much fanfare and many commemorative events to celebrate the occasion but these will be meaningless when they do not reflect the ground realities. For example, the Great Leap Forward and the Cultural Revolution were celebrated with great pomp as real achievements at the time they took place.

China has made tremendous economic progress during the past more than two decades. China today is not what it was twenty or thirty years ago. Much has changed in China. As a result she has become a major player in the world and China rightly deserves this position. It is a big nation with a huge population and a rich and ancient civilization. However, China's image is tarnished by her human rights records, undemocratic actions, the lack of the rule of law and the unequal implementation of autonomy rights regarding minorities, including the Tibetans. All these are a cause for more suspicion and distrust from the outside world. Internally, they are an obstacle to unity and stability that are of utmost importance to the leaders of the People's Republic of China. In my view, it is important that as China becomes a powerful and respectable nation she should be able to adopt a reasonable policy with confidence.

The world in general, of which China is a part, is changing for the better. In recent times there is definitely a greater awareness and appreciation for peace, non-violence, democracy, justice and environmental protection. The recent unprecedented response from governments and individuals across the world to the tsunami disaster victims reaffirms that the world is truly interdependent and the importance of universal responsibility.

My involvement in the affairs of Tibet is not for the purpose of claiming certain personal rights or political position for myself nor attempting to stake claims for the Tibetan administration in exile. In 1992 in a formal announcement I stated clearly that when we return to Tibet with a certain degree of freedom I will not hold any office in the Tibetan government or any other political position and that the present Tibetan administration in exile will be dissolved. Moreover, the Tibetans working in Tibet should carry on the main responsibility of administering Tibet.

I once again want to reassure the Chinese authorities that as long as I am responsible for the affairs of Tibet we remain fully committed to the Middle Way Approach of not seeking independence for Tibet and are willing to remain within the People's Republic of China. I am convinced that in the long run such an approach is of benefit to the Tibetan people for their material progress. It is encouraging that there is support from various parts of the world for this approach as being reasonable, realistic and of mutual benefit to the Chinese and Tibetans. I am particularly encouraged by the recognition and support that has come from certain quarters of the intellectual circle from within China.

I am happy with our renewed contacts with the Chinese leadership and that the third round of meetings last September shows that gradually our interactions are improving. Now that our elected political leadership is shouldering more responsibility in Tibetan affairs, I have advised them to look into the issues raised by the Chinese side during our third round of talks and to take steps to address or clarify them as needed. We remain hopeful that eventually we will be able to develop the necessary trust and resolve this long-standing issue to our mutual benefit.

Finally, I would like to take this opportunity to express the Tibetan people's gratitude and appreciation to the people and Government of India for their steadfast sympathy and support. I very much feel a part of this nation not only because of the centuries-old religious and cultural ties that India and Tibet enjoyed but also because I and most of the Tibetans in exile lived in India for the past 45 years.

I offer my prayers to the brave men and women of Tibet who gave their lives for the cause of Tibetan freedom.

TRIBUTE TO MS. CATHY STROUD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SERRANO. Mr. Speaker, I rise during this month dedicated to the celebration of Black History to pay tribute to Ms. Cathy Stroud, an outstanding woman who has dedicatd her life to empowering others.

Cathy was born in New Bern, North Carolina. She attended J.T. Barber High School and received her bachelors degree from Livingston College. For the past 18 years she has served as the Tenant Association president for her building. In this role she works as a liaison between tenants and management helping to resolve disputes that may arise between the two.

Committed to uplifting the people of her community, Cathy serves as Executive Director of River Watch Inc., a neighborhood network center, which is committed to developing and implementing educational and training programs to empower residents of the Bronx. She also directs a youth activity center that provides homework assistance, fun activities and trips for community youth.

A widowed mother of three, grandmother of seven and adopted grandmother of four, Cathy still finds the time and energy to serve as the New York State Committeewoman of the 77 AD and be an active church official at Refuge Temple Annex.

Mr. Speaker, during this month of February in which we celebrate Black History it is important that we give extra praise and recognition to African American women, who overcame not only racial discrimination but gender discrimination as well. Strong women such as Mary McCloud Bethune, Sojourner Truth and Harriet Tubman, who was also known as Moses on the account that she led so many of her people to freedom. I believe that we have an obligation to continue not only to recognize these strong influential women for the many contributions they have made to American society but also to recognize the women of today who overcome oppression in order to lead the people of their community from the bondage of despair. In that spirit, I ask that my colleagues join me in honoring Ms. Cathy Stroud.

HONORING JAMES O. PEOPLES, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of Foss Avenue Baptist Church, in my hometown of Flint, Michigan, to honor James O. Peoples, Jr., for 48 years of dedicated service as the Church's Director of Music. On Sunday, March 13, 2005, the congregation of Foss Avenue will recognize Mr. Peoples' accomplishments during a celebration, which will include a musical program and reception, to be held at the church.

James Peoples, Jr. has been blessed with a natural talent and passion for music. His obvious abilities were refined as he studied Management and Music at C.S. Mott Community College, and later Music Theory at Cook Conservatory of Music. James's education did not end there, as he spent 11 years under the direction of various professionals in a wide array of styles including opera, classical, and lyrical melodies and harmony.

Since 1956, Mr. Peoples has performed the Lord's work as Director of Music for Foss Avenue Baptist Church. As Director, he has managed over 200 voices and staff, and recorded three albums. In addition, from 1987 to 1992, he served simultaneously as Director of Music for the Wolverine State Baptist Convention and Musical Director of the National Baptist Convention. Mr. Peoples has also acted as Director of the Flint Symphony Orchestra.

Mr. Peoples is best noted for his work with anthems, hymns and spiritual arrangements. He has conducted music workshops throughout the state, and in March 2003, he was recognized as Music Director of the Year by the Wolverine Baptist Convention Women's Auxiliary. Aside from being an outstanding leader and role model, Mr. Peoples is also a loving husband, father, grandfather, and great-grandfather.

Mr. Speaker, Psalms 66:1–2 says: ''Make a joyful noise unto God, all ye lands: Sing forth the honor of his name: make his praise glorious.'' For 48 years, the members of Foss Avenue Baptist Church have indeed made a joyful noise, and it is because of people like James Peoples, Jr. I ask my colleagues in the 109th Congress to please join me in honoring Mr. Peoples' contributions to spreading the Lord's word.

SMYRNA BAPTIST CHURCH

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. BOEHLERT. Mr. Speaker, I rise to congratulate the parish of Smyrna Baptist Church on their 200 years of history. Located in Chenango County, New York, the Smyrna Baptist Church has become not only a religious institution, but also a historical institution in Central New York.

Founded on the 22nd day of December 1804, by Joseph Tobey, Joel Ellis, Samuel Barber, and others, the Church began as a group dedicated to prayer, meeting in the personal residences of Church members. As the parish expanded, their need for a larger meeting place led them to assemble in the town schoolhouse. And finally to serve its ever-growing congregation, the Church purchased a piece of property in 1837 where it has remained for the past 167 years.

I congratulate the Smyrna Baptist Church on their 200th Anniversary and their continued role in the community. I also congratulate Pastor Dale Sanders, under whose leadership and spiritual guidance, the Church celebrates this momentous occasion.

SECURITY AND EXCHANGE COMMISSION HAS DUTY TO DELAY MANDATORY EXPENSING OF STOCK OPTIONS

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CANTOR. Mr. Speaker, today we are facing a problem that if gone unchecked will have a detrimental effect on business's ability to create jobs and opportunity. In June, small and large companies will be subject to mandatory expensing of their stock options as required by the Financial Accounting Standards Board. If businesses are forced to adhere to this untested and risky expensing method, it could hamper our growing economy at a time when it is crucial to sustain growth and create jobs, not stop it.

It is important that businesses continue to be able to use this valuable tool to attract employees to the market. Expensing of stock options will cause a blow to small business's investment and innovation. It will harm a market that uses stock options as a tool to recruit high quality employees to small firms. These innovators would be lost to larger, more established companies.

Stock options serve as a tool to drive innovation and creativity by linking company success to employee success. The Security and Exchange Commission has the duty to delay this plan until the valuation methods can be improved; I urge them to do so.

IN MEMORY OF DEACON MOSES SUMMERVILLE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of a devoted and well-respected Arkansan, Deacon Moses Summerville.

A native of Portland, Arkansas and the youngest of 12 children, Deacon Summerville married the late Lenora Vaughn on December 16, 1940. After accepting a job with the Crossett Lumber Company, Deacon Summerville and his young family moved to Crossett. Deacon Summerville quickly became involved with the First Baptist Church; later changing his membership to the young New Bethel Missionary Baptist Church, where he served as Deacon and Trustee.

As a young child, Deacon Summerville had an avid interest in vocal music. He became involved with the music ministry at New Bethel Missionary Baptist Church and started singing bass in the Senior Choir, later becoming director of the choir. Deacon Summerville founded the Keystone Gospel Singers, and the group sung on stage with many famous quartet groups including the Staple Sisters. Deacon Summerville also taught music through the Southeast Arkansas District Association using the shape-note music notation for vocal music, and was honored by the American Quartet Convention in Alabama for his music ability.

In addition to music, Deacon Summerville had a profound interest in the welfare of Ashley County. A hunter and gardener at a time when most people raised vegetables out of necessity, Deacon Summerville devoted both time and effort to supplement the meals of many local residents. He raised fresh vegetables in his garden, and for years brought home many squirrels, rabbits and coons to Sunday Fried Chicken Dinners.

I extend my deepest and sincere sympathies to Deacon Summerville's five children, Ruby, Annie Pearl, Willie T., Sarah, and Bertha Sue, his friends, and colleagues. I will continue to keep Deacon Summerville and his family in my thoughts and prayers.

COMMENDING SALLY SMITH FOR EXEMPLARY COMMUNITY SERVICE AND SERVICE AS CHAIR OF THE CHAUTAUQUA COUNTY DEMOCRATIC COMMITTEE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary public service of Sally Smith, a resident of the Chautauqua County town of Pomfret, upon the occasion of her retirement as Chair of the Chautauqua County Democratic Committee.

Sally's dedication to public service has been manifest, and her commitment to the residents of her town and her county has been outstanding.

Sally served for many years as an employee at Fredonia State College. During that time, Sally served as Director of the Region 6 Political Action Committee for the Civil Service Employees Association (CSEA). At the same time, Sally served as Chair of her hometown Democratic Party committee.

In January 2003, after her election as First Vice Chair of the Chautauqua County Democratic Committee, Sally was elevated to Chair after the resignation of the incumbent, being elected to that position in full in June of that year. She was re-elected Chair in September 2004.

Sally's tenure as Chair has by all objective analysis been a rousing success. Sally oversaw the re-election of the Chautauqua County Legislature's Democratic Majority in 2003, an election which also saw success for Democrats at every local level, from village trustees to county legislators. In 2004, Sally was part of a coalition of party leaders that helped elect a Democrat to Congress from Chautauqua County for the first time since 1984, which was the last election for Congress won by former Representative Stan Lundine of Jamestown.

Sally has never forgotten her roots as the leader of a rural county. In April 2004, Sally and the Chautauqua County Democrats hosted the New York State Democratic Rural Conference in Jamestown, putting the statewide spotlight on Jamestown and Chautauqua County. Later that year, when Senator JOHN EDWARDS of North Carolina visited the world-renowned Chautauqua Institution to prepare for his the Vice Presidential debate, Sally and other Democrats—many of whom had never participated locally before—organized a Democratic march and rally at Fredonia State College in support of the Democratic ticket.

On a strictly personal level, it has been nothing short of a delight to work with Sally. A consummate professional a someone with a steadfast affection and connection to both her community as well as the Democratic Party, my time in working with Sally Smith has always been characterized by her support for working men and women in Western New York, about the dignity and her refusal to allow her community to be taken for granted.

Her work on behalf of her community has been without fanfare, but has been tremendously effective.

Now in her retired years, Sally and her husband Dan want to enjoy more personal time with friends and family, prompting her to resign her post as Chair, turning over the reins to another great Democrat, Chautauqua County Legislature Chairman Keith Ahlstrom. As Sally leaves active service as County Chair—but remains as Pomfret Town Chair—we must pause to consider the contributions she has made, not just to the Democratic Party in general, but to the people of her community, her county and to western New York as well. Chautauqua County is a better place because of Sally Smith's commitment to public service, and I am proud, Mr. Speaker, to have an opportunity to honor her today.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO MAYOR ED GARZA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the distinguished public service of San Antonio Mayor Ed Garza.

A native of San Antonio, Garza is a graduate of Thomas Jefferson High School, and still lives in the same historic Woodlawn Lake neighborhood where he grew up. He attended the University of Texas at Austin and Texas A&M University, where he received a Bachelor's degree in Landscape Architecture. He has retained his connection with Texas' colleges, serving as an adjunct professor at the University of Texas at San Antonio and at St. Mary's University.

Mr. Garza has had a tremendously productive career in public service. He served two terms as District 7 Representative on the San Antonio City Council, where he focused on economic, urban, and human development. He was elected Mayor of San Antonio, and reelected in 2003.

Following the attacks of September 11, Mayor Garza collaborated with other local elected officials to create one of the nation's first comprehensive city-county antiterrorism plans, leading CNN to recognize San Antonio as the second most prepared city in the country, after New York. He has worked to ensure that San Antonio remains a defense leader, and to constantly reform city government to make it more efficient and responsive.

Mayor Garza has volunteered his time to advocate for health and fitness in San Antonio. He has helped raise awareness for organizations such as the American Diabetes Association and the Cystic Fibrosis foundation, and has raised money for the Cancer Therapy and Research Center and the San Antonio Children's Shelter.

Mr. Speaker, Ed Garza is an exemplary public servant. His work has made San Antonio safer, healthier, more efficient and more prosperous. I am proud to have the chance to thank him here today for all he has done for his fellow Texans.

A PROCLAMATION RECOGNIZING COMMANDER GRADY JAY WILLIAMS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY. Mr. Speaker,

Whereas, Commander Williams is a life member of the Sons of AMVETS Squadron 95; and

Whereas, Commander Williams has held all offices at the local level and was instrumental in projects such as Adopt a Highway, Christmas Baskets for the needy, and the 'Thank a Vet' program; and

Whereas, Commander Williams also served as the Sons of AMVETS 12th District as 1st Vice Membership and Commander, during which time he developed a positive rapport with veterans' facilities in Ohio and worked with the program 'Robes for Vets,' which places a warm bathrobe for each veteran in each of the Veterans Affairs facilities in Ohio; and

Whereas, Commander Williams is a loving husband to his wife, Cindy, and father to his children, Britney, Sarah, and Cassie.

Therefore, I join with the residents of the entire 18th Congressional District in commending Commander Grady Jay Williams for his unwavering service to the Sons of AMVETS.

A TRIBUTE TO THE GIRL SCOUTS OF WHISPERING OAKS COUNCIL WOMEN OF DISTINCTION: KAY LLEWELLYN, REBECCA JOWORSKI CORTEZ, THERESE SCHEY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to three outstanding women in my district whose contributions to their communities have been recognized by an outstanding organization in my district.

Kay Llewellyn, Rebecca Joworski Cortez and Therese Schey were named Women of Distinction by the Girl Scouts of Whispering Oaks Council. This prestigious award, bestowed annually for the past 12 years, recognizes three community, business and educational leaders who are role models for young women.

Ms. Llewellyn has taught sixth grade at Pleasantdale Middle School in Burr Ridge for 23 years, specializing in science instruction. She has also counseled young women from less advantaged backgrounds to help them establish educational and career goals. Her advice to young women is simple, yet timeless: "Being true to yourself and your beliefs and morals is never easy. But in the end that's what makes one a stronger person."

Ms. Cortez is a graphic designer with the world renowned Field Museum and has worked with several Chicago museums and the Brookfield Zoo in my District. She has volunteered extensively at Forest Road School in La Grange Park, especially with sixth grade art classes in developing an annual Art Legacy Project. She believes that "Young women today—and young men, for that matter—need to value themselves and be aware of their self-worth. They need to respect themselves and have the courage to walk away from wrong choices."

Ms. Schey represents the highest level of community service. She has lent her time and talents to several organizations including: the American Legion Robert E. Coulter Post Ladies Auxiliary; the Girl Scouts; the Countryside Women's Club; the Parent and Community Network; and she coordinated a drive to supply American troops in Iraq with a few comfort items, like sun block. Ms. Schey also finds time to serve as a part-time director of the St. Cletus School After Care Program. She tells young women that "You need to have faith, confidence and trust in yourself. Keep yourself informed by reading, use of the Internet and staying aware of what is going on around you."

Mr. Speaker, I salute these three Women of Distinction, and give them my best wishes for continued success as role models for our young people.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Ms. HERSETH. Mr. Speaker, I regret that I was unable to participate in votes on the floor of the House of Representatives on March 8 and 9, 2005. I was absent to attend the funeral of a relative back in South Dakota. I submit this statement today to establish for the record how I would have voted had I been present for these votes.

On March 8, 2005, the House of Representatives held three votes.

The first vote held was on approval of House Journal. Had I been present, I would have voted "yea" on that question.

The second vote was on a motion to suspend the rules and agree to the H.R. 133, a resolution providing funds for continuing expenses of standing and select committees of the House of Representatives during the month of April, 2005. Had I been present, I would have voted "yea" on that question.

The final vote was on motion to suspend the rules and agree to the H.R. 122, a resolution expressing the sense of the House of Representatives regarding the study of languages and supporting the designation of a Year of Languages. Had I been present, I would have voted "yea" on that question.

On March 9, 2005, the House of Representatives held five votes.

The first vote held was roll No. 56 on an amendment by Mr. CONAWAY which would have exempted commercial motor vehicle operators working in field operations for the natural gas and oil industry from Federal hours-of-service rules. Had I been present, I would have voted "yea" on that question.

The second vote held was roll No. 57, on an amendment by Mr. MORAN of Kansas to expand the types of agricultural commodities covered by the bill's exemption from the 2003 hours-of-service regulations to include livestock, food, feed, fiber and other farm products. Had I been present, I would have voted "yea" on that question.

The third vote held was roll No. 58, on an amendment by Mr. OSBORNE of Nebraska that would grant the State of Nebraska the authority to harmonize its vehicle length limits with those of surrounding states during the grain harvest season. I strongly support this amendment and, had I been present, I would have voted "yea" on that question.

The fourth vote was roll No. 59, on an amendment by Mr. KENNEDY of Minnesota that would have prevented States and localities from collecting tolls on exiting highways. Had I been present, I would have voted "yea" on that question.

The fifth vote was roll No. 60, on an amendment by Mr. GRAVES that would have eliminated "vicarious liability" language under certain State laws for motor vehicle rental and leasing companies. Had I been present, I would have voted "nay" on that question.

COMMEMORATING THE 20TH ANNIVERSARY OF THE WOMEN'S CENTER OF NORTHERN VIRGINIA AND WASHINGTON, DC—ANNUAL LEADERSHIP CONFERENCE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to congratulate The Women's Center of Northern Virginia and Washington DC on the 20th anniversary of its Annual Leadership Conference.

The Women's Center, which celebrated its 30th anniversary last year, has been a resource for women in the workplace from its beginnings. The Center's first conference in 1985 was titled ''On the Job Issues for Working Women.'' Held at the Vienna Community Center, the conference addressed four related areas of professional development: career strategy; development of management skills; networking and mentoring; and work relationships. It was at this event that the Center's hallmark program, The Information and Career Advisory Network (ICAN) was introduced. ICAN makes a customized network of professionals available to each of its participants. As the number of women in management positions grew, so, too, did the scope of the Annual Conference. Recent titles included ''The Global Community of Women,'' ''The Economic Equity of Women,'' ''Caregiving in a Time of Change,'' and ''Women Leaders, Changing the Dynamic.'' With this year's Conference, ''Women in Leadership: Your Success Portfolio,'' the Women's Center continues its legacy of relevance and diversity by addressing the multiple definitions of and opportunities for leadership now available to women.

As the scope and size of the Annual Leadership Conference grew, so did the services of The Women's Center. Founded as a counseling and educational organization in 1974, the Center now offers a wide range of services and programs addressing the psychological, career, financial and legal issues of women and families. Counseling services, including group therapy and support groups, are now offered to women, couples, families and children. The Center's Information and Referral Service, which acts as a resource gateway for local human service issues, handles about 25,000 calls a year. The Center provides over 50,000 hours of direct client services annually, with approximately 75% at reduced or no fee.

In 2004 The Women's Center was named Non-profit Organization of the Year by the Vienna-Tysons Regional Chamber of Commerce.

Also in 2004 The Women's Center opened an appropriations-funded, Washington, DC location. This location focuses on psychotherapy/counseling and career-related services. Bilingual, reduced and no-fee services are provided to clients through partnerships with 12 social and human service agencies located throughout the District. The Women's Center is currently serving as the central support organization of the DC Cash Campaign, an initiative providing free tax preparation and asset-building services to the residents of Wards 5, 7 and 8 in the District.

In closing, Mr. Speaker, I congratulate The Women's Center on its comprehensive range of services and unique contribution to the community. On the occasion of this 20th Annual Leadership Conference, I ask my colleagues to join me in acknowledging this outstanding and distinguished organization.

BLACK HISTORY TRIBUTE TO AURELIA JONES-TAYLOR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize outstanding African Americans of the 2nd Congressional District of Mississippi, and their contribution to Black History. The 23 counties of the 2nd District are well represented from both a local and national perspective.

Americans have recognized Black History annually since 1926, first as ''Negro History Week'' and later as ''Black History Month.'' In fact, Black History had barely begun to be studied—or even documented—when the tradition originated. Although blacks have been in America as far back as colonial times, it was not until the 20th century that they gained a presence in our history books.

Though scarcely documented in history books, if at all, the crucial role African Americans have played in the development of our Nation must not be overlooked.

I would like to recognize Aurelia Jones-Taylor of Coahoma County. In 1989, Ms. Taylor met the challenge to journey to Clarksdale, Coahoma County, MS to assume the position of Executive Director for the Aaron E. Henry Community Health Services Center, Inc. after completion of her training for a community health center director at John-Hopkins University in Baltimore, Maryland.

Upon her arrival, the center, founded in 1979, was operating on a $190,000 grant. It had lost several Federal grants, the books were in bad shape, many of the staff had left and there were numbers of other administrative problems. The Clarksdale office had closed, only leaving the Tunica office functioning with limited services on limited funding. Ms. Taylor's first task was to build a strong, cooperative management team with good skills. Secondly, she had to develop proposals and write grants to fund the diverse programs needed to serve the community.

Today, the Aaron E. Henry Community Health Services Center, Inc., operates clinically in six counties from 10 sites (to include school-based clinics and a mobile medical unit) with over 150 employees on a $10M budget. Among those facilities are two new structures—one erected in 1995 in Tunica, MS—approximately 5,900 square feet and the newest facility in Clarksdale, MS—approximately 12,000 square feet.

In addition, Aurelia has built a rural general public transportation program under the name Delta Area Rural Transit System in seven rural Northwest MS Delta counties generating over 207,000 trips per year. These services include employee work routes, TANF eligible work-activity services, elderly and disabled human needs services, healthcare non-emergency transit, mental health work activity, shopping and other social services needs.

I take great pride in recognizing and paying tribute to this outstanding African American of the 2nd Congressional District of Mississippi who deserves mention, not only in the month of February but year round.

BILLS TO ASSIST ABANDONED HARDROCK MINES RECLAMATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing legislation designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west. I introduced a bill aimed at that result in the 107th Congress, and in the 108th introduced a revised version that incorporated a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups.

Today, I am introducing two separate but complementary bills that together include the provisions of the bill I introduced in the 108th Congress. This two-bill approach reflects the fact that while the Resources Committee has jurisdiction over the proposed funding legislation, the provisions dealing with liability fall within the responsibility of the Transportation and Infrastructure Committee. In other words, while the one-bill approach had the virtue of being comprehensive, the two-bill approach may facilitate Congressional action. But it remains the fact that both bills are equally necessary for a complete response to the problem.

The background: For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by a ''bust'' when mines were no longer profitable. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

The problems: The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Obstacles to cleanups: Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources. In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

Western Governors want action: The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject, such as the one of June, 2004 entitled ''Cleaning Up Abandoned Mines'' sponsored by Governor Bill Owens of Colorado along with Governor Bill Richardson of New Mexico and Governor Kenny Guinn of Nevada.

Outline of the two bills: My two bills are based directly on those recommendations by the Western Governors. One addresses the lack of resources, while the other deals with the liability risks to those doing cleanups.

Bill to provide funds for cleanups: To help fund cleanup projects, one bill—entitled the ''Abandoned Hardrock Mines Reclamation Funding Act''—would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund cleanup of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production. Those fees are deposited into the Abandoned Mine Reclamation Fund and used to fund reclamation of sites that had been mined for coal and then abandoned before enactment of SMCRA. Similarly, my bill provides for fees on mineral production from producing hardrock mines.

In developing this bill, I have followed the lead of a 1999 resolution of the Western Governors Association. That resolution notes that ''While society has benefited broadly from the metal mining industry, problems created by some abandoned mine lands [are] a significant national concern. . . [and] industry can play an important role in the resolution of these problems through funding mechanisms'' as well as in other ways.

In accord with that suggestion, the bill provides for fees on producing hardrock mines on federal lands or lands that were federal before issuance of a mining-law patent. Fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines and associated sites.

In developing the bill, I decided that a one-fee-fits-all approach would not be fair. Instead, the bill provides for only modest fees and a sliding scale based on the ability of mines to pay.

Mines Exempt From Fees—To begin with, the bill would entirely exempt mines with gross proceeds of less than $500,000 per year. That means many—probably most—small operations, such as Alaskan prospectors working individual placer claims, will not be liable for any fees.

Calculation of Fees—For more lucrative mines, fees would be based on the ratio of net proceeds to gross proceeds. If a mine's net proceeds were under 10% of gross proceeds, the fee would be 2 percent of the net proceeds. For mines with net proceeds of at least 10 percent but less than 18 percent of gross proceeds, the fee would be 2.5 percent of net proceeds. Mines where the net proceeds were at least 18 percent but less than 26 percent of gross proceeds would pay a fee of 3 percent of net proceeds. If the net proceeds were at least 26 percent but less than 34 percent of gross proceeds, the fee would be 3.5 percent of net proceeds. Where the net proceeds were at least 34 percent but less than 42 percent of gross proceeds the fee would be 4 percent of net proceeds. Mines with net proceeds equal to at least 42 percent but less than 50 percent of gross proceeds would pay a fee of 4.5 percent of net proceeds. And mines whose net proceeds were 50 percent or more of the gross proceeds would pay a fee of 5 percent of the net proceeds.

For the purpose of calculating these fees, the bill defines gross proceeds as the value of any extracted hardrock minerals that are sold, exchanged for good or services, exported ready for use or sale, or initially used in manufacture or service. Net proceeds are defined as how much of the gross proceeds remain after deducting the costs of mine development; mineral extraction; transporting minerals for smelting or similar processing; mineral processing; marketing and delivery to customers; maintenance and repairs of machinery and facilities; depreciation; insurance on mine facilities and equipment; insurance for employees; and royalties and taxes.

Based on Nevada Model—This way of calculating fees resembles one used by Nevada, which collects similar production-based fees from mines in that state. However, the fees in my bill are more moderate than those set by the Nevada law in one important respect—Nevada imposes its maximum fee rate on all mines with net proceeds of $5 million or more, regardless of the ratio between those net proceeds and the gross proceeds. My bill does not do that—instead, all of its fees are based on the ratio. In other words, under my bill a mine with earnings (i.e., net proceeds) of more than $5 million per year still might pay the minimum fee if those earnings were less than 10 percent of the gross proceeds.

Offset Provision—Under current law, the United States does not receive royalties from production of hardrock minerals from federal lands. Over the years, there have been frequent proposals to establish royalties for hardrock production, in order to provide a greater return to the American people. I think there are strong arguments in favor of such an approach. Accordingly, this bill would require the Secretary of the Interior to reduce payments under this title so as to offset any royalties hardrock producers may pay in the future pursuant to changes in current law. This is intended to avoid the chance that implementation of a royalty would result in inequitable treatment of a producer covered by both the royalty and Title I of this bill.

Estimated Proceeds From Fees and Use of Fund—There are not sufficient data available to say exactly how much money the fees would bring into the new reclamation fund each year. However, the United States Geological Survey does have information about the number of operating copper and gold mines and the State of Nevada has data about the money raised by their similar fee system. By extrapolating from those data, it is possible to estimate that the fees provided for in my bill would generate about $40 million annually for the Abandoned Minerals Mine Reclamation Fund.

Funds in the new reclamation fund would be available for appropriation for grants to States to complete inventories of abandoned hardrock mine sites, as mentioned above. A state with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, money from the fund would be available for cleanup work at eligible sites.

To be eligible, a site would have to be within a state subject to operation of the general mining laws that has completed its statewide inventory. Within those states, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund.

The Interior Department could use money from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new ''good Samaritan'' permits provided for in the other bill I am introducing today. Among eligible sites, priorities for funding would be based on the presence and severity of threats to public health, safety, general welfare, or property from the effects of past mining and the improvement that cleanup work could make in

restoration of degraded water and other resources. The first priority would be for sites where effects of past mining pose an extreme danger. After that, priorities would be sites where past mining has resulted in adverse effects (but not extreme danger) and then those where past mining has not led to equally serious consequences but where cleanup work would have a beneficial effect.

Further, the bill recognizes that in Colorado and other states there are often concentrations of abandoned mining sites that vary in the severity of their threat to the public health and the environment but that can and should be dealt with in a comprehensive manner. Therefore, it provides that sites of varying priority should be dealt with at the same time when feasible and appropriate.

Bill to provide protection for ''Good Samaritans'': To help encourage the efforts of ''good Samaritans,'' the second bill—entitled the ''Abandoned Hardrock Mines Reclamation Facilitation Act''—would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines.

These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (''NPDES'') permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

Together, these two bills can help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable.

TRIBUTE TO MR. SHAUN BELLE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. SERRANO. Mr. Speaker, I rise during this month devoted to the celebration of Black History to pay tribute to Mr. Shaun Belle, an outstanding individual who continues to be a great asset to the people of my community.

Shaun is the president and CEO of the Mount Hope Housing Company, a community organization that develops and manages affordable housing as well as provides sustainable programs such as youth services, employment and job training for youth, real estate development, and family asset building.

Shaun has held several key financial and management positions in various corporations and previously served as Chief Financial Officer for Mount Hope and its affiliate corporations. He is actively involved in community revitalization and redevelopment in the Tri-State area. In addition to his leadership at Mt. Hope, Shaun serves as chairman of Comprehensive Community Revitalization Inc.; Board Treasurer for The Institute for Urban Family Health; Board Director of the Primary Care Development Corporation and he is a former board member of the Bronx Area Health Education Center.

Shaun holds degrees in Economics and Business Management from Howard University and is a graduate of the Columbia University Institute for Non-Profit Management. He is also a graduate of the Harvard Business School's Executive Education Program.

Throughout his career Shaun has helped to revitalize not only dilapidated areas of the Bronx but also the lives of people in those areas. As a direct result of his efforts more young people in the Bronx have the necessary skills to hold a job and more parents are able to provide better lives for their families.

Mr. Speaker, during the month of February it has been our tradition as a nation to honor the achievements and contributions of legendary African Americans such as Dr. King, Robert Smalls, and Dr. Carver; leaders who dedicated their lives to uplifting not only their people but their nation as well. I believe that it is important that we continue not only to recognize these great Americans but also to pay homage to those who continue in their footsteps today, dedicating their lives to uplifting this nation. In that spirit I ask my colleagues to join me in honoring Mr. Shaun Belle for his outstanding service to the people of my community.

A PROCLAMATION HONORING SEAN WYATT DILLON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. NEY. Mr. Speaker:

Whereas, Matthew and Elizabeth Dillon are celebrating the arrival of their son, Sean Wyatt DIllon; and

Whereas, Sean Wyatt Dillon was born on January 6, 2005 and weighed eight pounds and two ounces; and

Whereas, Matthew and Elizabeth Dillon are proud to welcome their new son into their home; and

Whereas, Sean Wyatt Dillon will be a blessed addition to his family, bringing love, joy, and happiness for many years to come.

Therefore, I join with Members of Congress and Congressional Staff in celebrating with Matthew and Elizabeth Dillon the birth of Sean Wyatt Dillon.

HONORING THE ACHIEVEMENTS OF BEXAR COUNTY TAX ASSESSOR-COLLECTOR SYLVIA S. ROMO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Sylvia S. Romo for her extraordinary accomplishments in business and her exemplary record of public service.

Sylvia Romo was the first woman to be elected to the Office of the Tax Assessor-Collector of Bexar County. She is the first Latina elected to any countywide executive post. Her commitment, expertise, and innovation resulted in a better and more responsive tax system for her constituents.

Sylvia Romo distinguished herself during two terms in the Texas House of Representatives. She was the first freshman member of the body to pass a major constitutional amendment, and one of only three women ever to serve on the prestigious Ways and Means Committee. She authored more than 92 bills, and worked tirelessly to promote business growth and to protect the interests of women and disadvantaged businesses.

Ms. Romo is an inspiring business leader in her community. A graduate of the University of Texas at San Antonio, she worked for more than 20 years as a certified public accountant. She is now the President of her own accounting firm, Sylvia Romo and Associates, Ltd, which has been recognized for excellence by state and local business organizations.

She served as an advisor to the President's Advisory Committee on Women's Business Ownership, and was named one of the Top Women of the Decade in the United States by the Business and Professional Women's Foundation of New York City.

Mr. Speaker, a lifelong San Antonio resident and mother of four sons, Ms. Romo is truly one of the outstanding members of her community. She has been a great friend to the people of San Antonio, and a shining example of what one woman's intelligence, generosity, and dedication can accomplish.

Daily Digest

HIGHLIGHTS

Senate passed S. 256, Bankruptcy Reform Act.

The House passed H.R. 3, Transportation Equity Act: A Legacy for Users.

Senate

Chamber Action

Routine Proceedings, pages S2405–S2503

Measures Introduced: Sixteen bills and four resolutions were introduced, as follows: S. 587–602, S. Res. 79–81, and S. Con. Res. 17. **Pages S2482–83**

Measures Reported:

S. 99, to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming. (S. Rept. No. 109–27)

S. 152, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, with amendments. (S. Rept. No. 109–28)

S. 176, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska. (S. Rept. No. 109–29)

S. 231, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon. (S. Rept. No. 109–30)

S. 232, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects. (S. Rept. No. 109–31)

S. 244, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming. (S. Rept. No. 109–32)

S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii. (S. Rept. No. 109–33)

S. 272, to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, with amendments. (S. Rept. No. 109–34)

S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007. (S. Rept. No. 109–35) **Page S2482**

Measures Passed:

Carl D. Perkins Vocational and Technical Education Act Amendment: By a unanimous vote of 99 yeas (Vote No. 43), Senate passed S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, after agreeing to the committee amendment in the nature of a substitute. **Pages S2428–59, S2462**

Bankruptcy Reform Act: By 74 yeas to 25 nays (Vote No. 44), Senate passed S. 256, a bill to amend title 11 of the United States Code, after taking action on the following amendments proposed thereto: **Pages S2416–17, S2459–74**

Adopted:

By a unanimous vote of 99 yeas (Vote No. 40), Durbin Amendment No. 112, to protect disabled veterans from means testing in bankruptcy under certain circumstances. **Pages S2426–27**

By 73 yeas to 26 nays (Vote No. 42), Talent Amendment No. 121, to deter corporate fraud and prevent the abuse of State self-settled trust law. **Page S2428**

Feingold Modified Amendment No. 92, to amend the credit counseling provision. **Page S2463**

Rejected:

By 41 yeas to 58 nays (Vote No. 36), Dodd (for Kennedy) Amendment No. 70, to exempt debtors whose financial problems were caused by failure to

receive alimony or child support, or both, from means testing. **Page S2416**

By 41 yeas to 58 nays (Vote No. 37), Dodd (for Kennedy) Amendment No. 69, to amend the definition of current monthly income. **Pages S2416–17**

By 38 yeas to 61 nays (Vote No. 38), Akaka Amendment No. 105, to limit claims in bankruptcy by certain unsecured creditors. **Page S2417**

By 44 yeas to 55 nays (Vote No. 39), Kennedy (for Leahy/Sarbanes) Amendment No. 83, to modify the definition of disinterested person in the Bankruptcy Code. **Pages S2424–26**

By 43 yeas to 56 nays (Vote No. 41), Schumer Amendment No. 129 (to Amendment No. 121), to limit the exemption for asset protection trusts. **Pages S2427–28**

Withdrawn:

Feingold Amendment No. 90, to amend the provision relating to fair notice given to creditors. **Pages S2462–63**

Feingold Amendment No. 93, to modify the disclosure requirements for debt relief agencies providing bankruptcy assistance. **Page S2463**

Feingold Amendment No. 95, to amend the provisions relating to the discharge of taxes under chapter 13. **Page S2463**

Feingold Amendment No. 96, to amend the provisions relating to chapter 13 plans to have a 5-year duration in certain cases and to amend the definition of disposable income for purposes of chapter 13. **Page S2463**

During consideration of this measure today, Senate also took the following action:

Feingold Amendment No. 87, to amend section 104 of title 11, United States Code, to include certain provisions in the triennial inflation adjustment of dollar amounts, previously agreed to on Wednesday, March 9, 2005, was modified by unanimous consent. **Page S2463**

Regarding Georgia and Moldova: Committee on Foreign Relations was discharged from further consideration of S. Res. 69, expressing the sense of the Senate about the actions of Russia regarding Georgia and Moldova, and the resolution was then agreed to. **Pages S2500–01**

National Safe Place Week: Committee on the Judiciary was discharged from further consideration of S. Res. 71, designating the week beginning March 13, 2005 as "National Safe Place Week", and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S2501**

McConnell (for Craig) Amendment No. 139, to strike the request for a Presidential proclamation. **Page S2501**

Yad Vashem Complex: Senate agreed to S. Res. 79, expressing the sense of the Senate in marking the dedication on March 15, 2005, of the expanded museum complex at Yad Vashem, the Holocaust Martyrs and Heroes Remembrance Authority in Israel, in furtherance of Yad Vashem's mission to document the history of the Jewish people during the Holocaust, to preserve the memory and story of each of the victims, impart the legacy of the Holocaust to future generations, and recognize the Righteous Among the Nations. **Pages S2501–02**

Honoring Fern Holland: Senate agreed to S. Res. 80, honoring the life of Fern Holland and expressing the deepest condolences of the Senate to her family on their loss. **Page S2502**

Honoring Chris LeDoux: Senate agreed to S. Res. 81, recognizing the contribution of Chris LeDoux to country music. **Page S2502–03**

Concurrent Budget Resolution—Agreement: A unanimous-consent agreement was reached providing for the consideration of an original resolution setting forth the fiscal year 2006 budget for the Federal Government, at 10 a.m., on Monday, March 14, 2005, and that there be a total of 45 hours remaining on the resolution, with 22 hours controlled by the Majority and 23 hours controlled by the Minority. **Page S2499**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the national emergency with respect to Iran; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–9) **Page S2481**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928–1928d, as amended, appointed Senator Biden as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 109th Congress. **Page S2500**

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Dodd as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 109th Congress. **Page S2500**

Public Interest Declassification Board: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–567, as amended by Public Law 108–458 (Section 1102), appointed the following individual to serve as a member of the Public Interest Declassification Board:

Joan Vail Grimson of Virginia. **Page S2500**

Nominations Confirmed: Senate confirmed the following nomination:

Michael Jackson, of Virginia, to be Deputy Secretary of Homeland Security. **Pages S2500, S2503**

Messages From the House: **Page S2481**

Measures Placed on Calendar: **Pages S2481–82**

Executive Reports of Committees: **Page S2482**

Additional Cosponsors: **Pages S2483–84**

Statements on Introduced Bills/Resolutions: **Pages S2484–98**

Additional Statements: **Pages S2480–81**

Amendments Submitted: **Page S2499**

Authority for Committees to Meet: **Page S2499**

Record Votes: Nine record votes were taken today. (Total—44) **Pages S2416, S2417, S2426, S2427, S2428**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:53 p.m., until 9:30 a.m., on Friday, March 11, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2503.)

Committee Meetings

(Committees not listed did not meet)

COMMODITY FUTURES TRADING COMMISSION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the reauthorization of the Commodity Futures Trading Commission, after receiving testimony from Jeffrey C. Sprecher, Intercontinental Exchange, Inc., Atlanta, Georgia; Robert G. Pickel, International Swaps and Derivatives Association, Inc., New York, New York; Daniel J. Roth, National Futures Association, Chicago, Illinois; and Oliver I. Ireland, Morrison and Forester, LLP, on behalf of Huntsman Corporation, John G. Gaine, Managed Funds Association, and Micah S. Green, The Bond Market Association, all of Washington, D.C.

APPROPRIATIONS: DEPARTMENT OF INTERIOR

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of the Interior, after receiving testimony from Gale A. Norton, Secretary of the Interior.

APPROPRIATIONS: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND RADIOACTIVE WASTE MANAGEMENT

Committee on Appropriations: Subcommittee on Energy and Water concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Environmental Management and Radioactive Waste Management in the Department of Energy, after receiving testimony from Paul M. Golan, Principal Deputy Assistant Secretary for Environmental Management, and Theodore J. Garrish, Deputy Director, Office of Civilian Radioactive Waste Management, both of the Department of Energy.

APPROPRIATIONS: FOSTER CARE INITIATIVES

Committee on Appropriations: Subcommittee on District of Columbia concluded a hearing to examine proposed budget estimates for fiscal year 2006 for funding for Federal foster care initiatives in the District of Columbia, after receiving testimony from Brenda Donald Walker, District of Columbia Child and Family Services Agency; Martha B. Knisley, District of Columbia Department of Mental Health; Lee F. Sattefield, Family Court of District of Columbia Superior Court; Judith Metzler, Center for the Study of Social Policy, and Margie Chalofsky, Foster and Adoptive Family Advocacy Center, both of Washington, D.C.

DEPARTMENT OF DEFENSE DETENTION OPERATIONS

Committee on Armed Services: Committee concluded a hearing to examine the review of Department of Defense detention operations and detainee interrogation techniques, after receiving testimony from Vice Admiral Albert T. Church III, USN, Director of the Navy Staff.

IDENTITY THEFT

Committee on Banking, Housing, and Urban Affairs: Committee held hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft, focusing on laws currently applicable to resellers of consumer information, receiving testimony from Senator Leahy; Deborah Platt Majoras, Chairman, Federal Trade Commission; Larry Johnson, Special Agent in Charge, Criminal Investigative Division, United States Secret Service, Department of Homeland Security; Amy S. Friend, Assistant Chief Counsel, Office of the Comptroller of the Currency, Department of the Treasury.

Hearings recessed subject to the call of the Chair.

2006 BUDGET

Committee on the Budget: Committee ordered favorably reported an original concurrent resolution setting forth the fiscal year 2006 budget for the Federal Government.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following bills:

S. 148, to establish a United States Boxing Commission to administer the Act;

S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations;

S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration;

S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, with an amendment;

S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, with an amendment in the nature of a substitute;

S. 268, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, with amendments; and

Nominations in the Coast Guard and National Oceanic and Atmospheric Administration.

Also, Committee adopted its rules of procedures for the 109th Congress.

House of Representatives

Chamber Action

Measures Introduced: 55 public bills, H.R. 1212–1266; 1 private bill, H.R. 1267; and 9 resolutions, H. Con. Res. 91–94, and H. Res. 146–150 were introduced. **Pages H1368–71**

Additional Cosponsors: **Pages H1371–72**

Reports Filed: No reports were filed today.

Journal: Agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 365 yeas to 39 nays, with one voting "present", Roll No. 61. **Pages H1267–68**

Member Sworn—Fifth Congressional District of California: Representative-elect Doris O. Matsui presented herself in the well of the House and was administered the Oath of Office by the Speaker. Earlier the Clerk of the House transmitted a facsimile copy of the semi-final official returns of the Special Election held on March 8, 2005 from the Honorable Cathy Mitchell, Acting Secretary of State, State of California. **Page H1268**

Privileged Report Filing: Agreed that the Committee on Appropriations have until midnight on March 11 to file a report on a bill making supplemental appropriations for the fiscal year ending September 30, 2005. **Page H1269**

Transportation Equity Act: A Legacy for Users: The House passed H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, by a yea-and-nay vote of 417 yeas to 9 nays, Roll No. 65. The measure was also debated on Wednesday, March 9. **Pages H1272–H1324**

Rejected the Higgins motion to recommit the bill to the Committees on Transportation & Infrastructure and Ways & Means with instructions to report the bill back to the House promptly with amendments, by a recorded vote of 190 ayes to 235 noes, Roll No. 64. **Pages H1322–24**

It was agreed during consideration of the bill that the final period of general debate be in order before the disposition of amendments. **Page H1314**

Accepted:

Young of Alaska manager's amendment (No. 1 printed in H. Rept. 109–15) that makes a number of adjustments and technical changes (it was later agreed by unanimous consent to modify the amendment); **Pages H1277–H1300, H1313–14**

Issa amendment (No. 5 printed in H. Rept. 109–15) that expresses the Sense of Congress that the Department of Transportation and the States should provide additional incentives to encourage the purchase and use of hybrid and other fuel efficient vehicles; **Pages H1303–05**

Burgess amendment (No. 3 printed in H. Rept. 109–15) that changes the current calculation to a

pro rata calculation, reflecting a state's level of investment in a toll facility (a requested recorded vote was later vacated and the amendment was agreed to by voice vote); **Pages H1302–03, H1305**

Pascrell amendment (No. 6 printed in H. Rept. 109–15) that allows states to enact anti-corruption laws curbing the practice of ''pay-to-play'' contracting without losing their federal-aid highway dollars; **Pages H1305–06**

Rogers (MI) amendment (No. 7 printed in H. Rept. 109–15) that prohibits the sale or use of a traffic signal preemption transmitter by a non-government approved user; **Page H1306**

Honda amendment (No. 9 printed in H. Rept. 109–15) that provides that basic grant funds authorized under the Alcohol-Impaired Driving Countermeasures section can be used for Driving While Intoxicated Courts that seek to change the behavior of alcohol or drug dependent offenders arrested while driving while impaired; and **Pages H1307–08**

Barton amendment (No. 10 printed in H. Rept. 109–15) that provides that assessments of risks to human health or the environment pursuant to research or studies under the surface transportation environment and planning and cooperative research program, and subsequent use of such studies, follow sound and objective scientific practices and describe the weight of the scientific evidence (a requested recorded vote was later vacated and the amendment was agreed to by voice vote). **Pages H1308–10, H1313**

Tom Davis of Virginia amendment (No. 2 printed in H. Rept. 109–15) that removes the requirement that toll rates on high occupancy toll lanes be differentiated for low income drivers (by a recorded vote of 224 ayes to 201 noes, Roll No. 62); and **Pages H1300–02, H1321–22**

Pitts amendment (No. 8 printed in H. Rept. 109–15) that provides small transit systems with additional time to find alternative solutions to address the financial crisis they face when losing flexibility in the use of Section 5307, federal transit funds (by a recorded vote of 228 ayes, to 97 noes, Roll No. 63). **Pages H1306–07, H1322**

Withdrawn:

Burgess amendment (No. 4 printed in H. Rept. 109–15) that was offered and subsequently withdrawn that would have eliminated some federal restrictions on state procurement procedures for ''design-build contracts,'' in which contractors both design and construct facilities; **Pages H1303–04**

Shadegg amendment (No. 11 printed in H. Rept. 109–15) that was offered and subsequently withdrawn that would have revised the formula by which funds are allocated under the Congestion Mitigation and Air Quality Improvement Program to include areas in non-attainment or maintenance for fine and coarse particulate matter; and **Pages H1310–11**

Flake amendment (No. 12 printed in H. Rept. 109–15) that subtracts the amount that states receive in earmarks from their formula totals in the Surface Transportation Program. **Pages H1311–13**

The Clerk was authorized to make technical corrections and conforming changes, as may be necessary to reflect the actions of the House, in the engrossment of the bill. **Page H1325**

H. Res. 144, the rule providing for further consideration of the bill was agreed to by voice vote. **Pages H1272–76**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. on Monday, March 14 for Morning Hour debate; and further that when it adjourn on Monday, it adjourn to meet at 9 a.m. on Tuesday, March 15 for Morning Hour debate as though after May 16, 2005, thereafter to resume its session at 10 a.m. **Page H1326**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 16. **Page H1326**

Condolences of the House to the families of victims of the terrorist attacks in Madrid on March 11, 2004: The House agreed to H. Res. 99, expressing the condolences of the House of Representatives to the families of the victims of the terrorist attacks in Madrid that occurred one year ago, on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain. **Page H1326**

Agreed to the McCotter amendment that replaces the preamble of the resolution. **Pages H1326–27**

Board of Trustees of Gallaudet University—Appointment: The Chair announced the Speaker's appointment of Representative LaHood to the Board of Trustees of Gallaudet University. **Page H1327**

Privileged Report Filing: Agreed that the Committee on the Budget have until 4 p.m. on March 12 to file a report on a bill making supplemental appropriations for the fiscal year ending September 30, 2005. **Page H1327**

Board of Regents of the Smithsonian Institution—Appointment: The Chair announced the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution: Representatives Regula, Sam Johnson (TX), and Becerra. **Page H1352**

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to

Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 109–15).

Page H1337

Quorum Calls—Votes: Two yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H1267–68, H1321–22, H1322, H1323–24, and H1324. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:48 p.m.

Committee Meetings

METHYL BROMIDE USE EXEMPTION

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research held a hearing to access the Methyl Bromide Critical Use Exemption (CUE) process under the Montreal Protocol. Testimony was heard from Claudia McMurray, Deputy Assistant Secretary, Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on the Under Secretary for Food, Nutrition, and Consumer Services. Testimony was heard from Eric Bost, Under Secretary, Food, Nutrition and Consumer Services, USDA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Navy/Marine Corps Posture. Testimony was heard from the following officials of the Department of the Navy: Gordon R. England, Secretary; ADM. Vernon Clark, USN. Chief of Naval Operations; and Gen. Michael W. Hagee, USMC, Commandant of the Marine Corps.

The Subcommittee also met in executive session to hold a hearing on Navy/Marine Corps Acquisition. Testimony was heard from the following officials of the Department of the Navy: John J. Young, Assistant Secretary; and VADM Joseph A. Sestak, Jr., USN, Deputy Chief, Naval Operations, Warfare Requirements and Programs (N6/N7); and BG William Catto, USMC, Commanding General, Marine Corps Systems Command.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on the Secretary of Education. Testimony was heard from Margaret Spellings, Secretary of Education.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies met in executive session to hold a hearing on Department of Energy–National Nuclear Security Administration. Testimony was heard from Linton F. Brooks, Under Secretary, Nuclear Security and Administrator, National Nuclear Security Administrator, Department of Energy.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on The Department of Homeland Security held a hearing on the U.S. Coast Guard. Testimony was heard from ADM Thomas Collin, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security.

The Subcommittee also held a hearing on Immigration and Customs Enforcement. Testimony was heard from Michael Garcia, Secretary, Immigration and Customs Enforcement, Department of Homeland Security.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on the National Endowment for the Arts. Testimony was heard from Dana Gioia, Chairman, National Endowment for the Arts.

The Subcommittee also held a hearing on the National Endowment for the Humanities. Testimony was heard from Bruce Cole, Chairman, National Endowment for the Humanities.

MILITARY QUALITY OF LIFE, AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on the European Command Gen. James L. Jones, Jr., USMC, Supreme Allied Commander, Europe and Commander, U.S. European Command, Department of Defense.

The Subcommittee also held a hearing on the Pacific Command. Testimony was heard from the following officials of the Department of the Navy: ADM William J. Fallon, USN, Commander, U.S.

Pacific Command; and Gen. Leon J. LaPorte, Commander, Republic of Korea-United States Combined Forces Command, and Commander, U.S. Forces Korea.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies held a hearing on NOAA. Testimony was heard from VADM. Conrad C. Lautenbacher, Jr., USN (Ret), Under Secretary, NOAA, Department of Commerce.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Services: Continued hearings on the Fiscal Year 2006 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Donald R. Rumsfeld, Secretary; and GEN Richard B. Myers, USAF, Chairman, Joint Chiefs of Staff.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Servcies: Subcommittee on Projection Forces held a hearing on the Fiscal Year 2006 National Defense Authorization budget request—The Navy's Future Fleet: Assessing the Strength of Today's Navy for Tomorrow. Testimony was heard from the following officials of the Department of the Navy: John J. Young, Jr., Assistant Secretary, Research, Development and Acquisition; VADM Joseph A. Sestak, Jr., USN, Deputy Chief of Naval Operations, Warfare Requirements and Programs; VADM Lewis W. Crenshaw, Jr., USN, Deputy Chief of Naval Operations, Resources, Requirements and Assessments; LTG Robert Magnus, USMC, Deputy Commandant, Programs and Resources, U.S. Marine Corps; and LTG James N. Mattis, USMC, Commanding General, Marine Corps Combat Development Command; and Ronald O'Rourke, Specialist in National Defense, CRS, Library of Congress.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2006 National Defense Authorization budget request—Defense Science and Technology in support of the War on Terrorism, and Beyond. Testimony was heard from the following officials of the Department of Defense: Ronald M. Sega, Director, Defense Research and Engineering; James A. Tegnelia, Director, Defense Threat Reduction Agency; Anthony J. Tether, Director, Defense Advanced Research Projects Agency; Thomas H. Killion, Assistant Secretary of the Army, Research and Technology; RADM Jay M. Cohen, USN, Chief of Naval Research; and James B. Engle, Deputy Assistant Secretary of the Air Force, Science, Technology and Engineering.

RECREATIONAL MARINE EMPLOYMENT ACT OF 2005

Committee on Education and the Workforce: Subcommittee on Workforce Protections approved for full Committee action H.R. 940, Recreational Marine Employment Act of 2005.

STEROIDS IN SPORTS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection and the Subcommittee on Health held a joint hearing entitled "Steroids in Sports: Cheating the System and Gambling Your Health." Testimony was heard from Representative Ryun (KS); and public witnesses.

YUCCA MOUNTAIN REPOSITORY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Funding Options for the Yucca Mountain Repository Program." Testimony was heard from Representatives Berkley and Porter; Theodore J. Garrish, Deputy Director, Office of Strategy and Program Development, Office of Civilian Radioactive Waste Management, Department of Energy; and a public witness.

DIGITAL TV TRANSITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "Preparing Consumers for the End of the Digital Television Transition." Testimony was heard from public witnesses.

OVERSIGHT—RURAL HOUSING SERVICE

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held an oversight hearing of the Rural Housing Service, including the Service's budget request for fiscal year 2006." Testimony was heard from Russell T. Davis, Administrator, Rural Housing Service, USDA; and William B. Shear, Director, GAO.

FANNIE MAE MORTGAGE REPURCHASES

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Due Diligence in Mortgage Repurchases and Fannie: The First Beneficial Case." Testimony was heard from the following officials of the Department of Housing and Urban Development: Kenneth M. Donohue, Sr., Inspector General; John P. Kennedy,

Associate General Counsel, Office of Finance and Regulatory Compliance; and Alfred M. Pollard, General Counsel, Office of Federal Housing Enterprise; and a public witness.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 185, Program Assessment and Results Act; and S. 384, To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

DRUG CONTROL BUDGET

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?'' Testimony was heard from the following officials of the Department of Justice: Tracy A. Henke, Associate Deputy Attorney General, Office of Justice Programs; and Catherine M. O'Neil, Associate Deputy Attorney General and Director of Organized Crime Drug Enforcement Task Forces; John Horton, Associate Deputy Director, State and Local Affairs, Office of National Drug Control Policy; and public witnesses.

COMMITTEE FUNDING

Committee on House Administration: Met to consider funding requests for the following Committees: International Relations; Judiciary; Budget; Financial Services; Small Business; Rules; Agriculture; and Armed Services.

KOREAN PENINSULA: SIX PARTY TALKS AND THE NUCLEAR ISSUE

Committee on International Relations: Held a hearing on The Korean Peninsula: Six Party Talks and the Nuclear Issue. Testimony was heard from the following former officials of the Department of State: William J. Perry, Secretary of Defense; and James R. Lilley, Ambassador to the Republic of Korea.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action, as amended, the following measures: H.R. 972, Trafficking Victims Protection Reauthorization Act of 2005; and H. Con. Res. 88, Remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again.

INDONESIA IN TRANSITION

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Indonesia in Transition: Recent Developments and Implications for U.S. Policy. Testimony was heard from Marie Huhtala, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and public witnesses.

ELIMINATING TERRORIST SANCTUARIES

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on Eliminating Terrorist Sanctuaries: The Role of Security Assistance. Testimony was heard from William P. Pope, Acting Coordinator, Office of the Coordinator for Counterterrorism, Department of State; and RADM Hamlin B. Tallent, USN, Director of Operations, U.S. European Command, Department of Defense.

OVERSIGHT—DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the U.S. Department of Justice, Civil Rights Division: A Review of the Civil Rights Division for the Purpose of the Reauthorization of the U.S. Department of Justice. Testimony was heard from Alexander Acosta, Assistant Attorney General, Civil Rights Division, Department of Justice.

OVERSIGHT—INTERIOR IMMIGRATION ENFORCEMENT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled ''Interior Immigration Enforcement Resources.'' Testimony was heard from Paul Martin, Deputy Inspector General, Department of Justice; and public witnesses.

OVERSIGHT—INTERIOR BUDGET FY 2006—ENERGY AND MINERAL PROGRAMS

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled ''The Interior Budget for FY 2006 in Energy and Mineral Programs.'' Testimony was heard from the following officials of the Department of the Interior: Johnnie Burton, Director, Minerals Management Service; Jeff Jarret, Director, Office of Surface Mining Reclamation and Enforcement; Charles G. Groat, Director, U.S. Geological Survey; and Jim Hughes, Deputy Director, Bureau of Land Management.

OVERSIGHT—FISH AND WILDLIFE SERVICE AND NOAA BUDGET REQUEST FY 2006

Committee on Resources: Subcommittee on Fisheries and Oceans held an oversight hearing on the Fiscal Year

2006 Budget Request of the U.S. Fish and Wildlife Service; and NOAA. Testimony was heard from VADM Conrad C. Lautenbacher, Jr., (Ret.), Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and Steven A. Williams, Director, U.S. Fish and Wildlife Service, Department of the Interior.

OVERSIGHT—AGENCY BUDGET BUDGETS AND PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Agency Budgets and Priorities for Fiscal Year 2006, with emphasis on U.S. Army Corps of Engineers, the TVA, Natural Resources Conservation Service and Saint Lawrence Seaway Development Corporation. Testimony was heard from from the following officials of the Department of the Army: John Paul Woodley, Jr., Principal Deputy Assistant Secretary (Civil Works); and LTG Carl A. Strock, USA, Chief of Engineers, U.S. Army Corps of Engineers; Glenn L. McCullough, Jr., Chairman, TVA; Albert S. Jacquez, Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation; and a public witness.

BUDGET BRIEFING AND HEARING

Permanent Select Committee on Intelligence: Met in executive session to continue hearings on the Budget. Testimony was heard from departmental witnesses.

Prior to the hearing, the Committee met in executive session to receive a briefing on the Budget. The Committee was briefed by departmental witnesses.

Joint Meetings

MIDDLE EAST DEMOCRACY

Commission on Security and Cooperation in Europe (Helsinki Commission): On Wednesday, March 9, 2005, Commission concluded a hearing to examine the Russian-Syrian connection and threats to democracy in the Middle East and the great OSCE region, after receiving testimony from Senator Sam Brownback; Representatives Christopher H. Smith and Benjamin L. Cardin; Walid Phares, Florida Atlantic University, Boca Raton, on behalf of the Foundation for the Defense of Democracies; Farid N. Ghadry, Reform Party of Syria, Ilan Berman, American Foreign Policy Council, and Steven Emerson, The Investigative Project, all of Washington, D.C.; and Entifadh K. Qanbar, United Iraqi Alliance, Baghdad, Iraq.

LEGISLATIVE PRESENTATIONS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of certain veterans organizations, after receiving testimony from Robert N. Lichtenberger, Military Order of the Purple Heart, Springfield, Virginia; Randy L. Pleva, Sr., Paralyzed Veterans of America, Louis Abramson, Jewish War Veterans, and Neil Appleby, Blinded Veterans Association, all of Washington, D.C.; and H. Gene Overstreet, Non-Commissioned Officers Association, San Antonio, Texas.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 11, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nominations of R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State, C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State, and John B. Bellinger, of Virginia, to be Legal Adviser of the Department of State, 9:30 a.m., SD–419.

House

Committee on Appropriations, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on the NSF; National Science Board; and Office of Science and Technology Policy, 10 a.m., and on the SEC, 12 p.m., 2359 Rayburn.

Committee on Government Reform, hearing entitled "Getting the Lead Out: The Ongoing Quest for Safe Drinking Water in the Nation's Capital," 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, March 11

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 14

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E419
Bean, Melissa L., Ill., E403
Berman, Howard L., Calif., E409
Boehlert, Sherwood, N.Y., E428
Burgess, Michael C., Tex., E417
Buyer, Steve, Ind., E412
Cantor, Eric, Va., E428
Clyburn, James E., S.C., E421
Conyers, John, Jr., Mich., E413
Costa, Jim, Calif., E407
Crowley, Joseph, N.Y., E407
Cubin, Barbara, Wyo., E413
Cuellar, Henry, Tex., E403, E406, E409, E412, E415, E418, E421, E425, E429, E432
Cummings, Elijah E., Md., E419
Davis, Tom, Va., E404, E430
Diaz-Balart, Lincoln, Fla., E415
Emanuel, Rahm, Ill., E420
Farr, Sam, Calif., E412
Gibbons, Jim, Nev., E417
Gingrey, Phil, Ga., E407
Goodlatte, Bob, Va., E414
Hastings, Alcee L., Fla., E405, E418
Herseth, Stephanie, S.D., E404, E429
Higgins, Brian, N.Y., E405, E428
Hinchey, Maurice D., N.Y., E425
Hooley, Darlene, Ore., E408
Kildee, Dale E., Mich., E427
Kind, Ron, Wisc., E425
Kirk, Mark Steven, Ill., E417, E426
Kucinich, Dennis J., Ohio, E405
Langevin, James R., R.I., E417
Leach, James A., Iowa, E413, E418
Lipinski, Daniel, Ill., E405, E429
McKinney, Cynthia, Ga., E419
Maloney, Carolyn B., N.Y., E406
Miller, Jeff, Fla., E411
Moran, Jerry, Kans., E420
Ney, Robert W., Ohio, E407, E411, E421, E425, E429, E432
Otter, C.L. ''Butch'', Idaho, E419
Pallone, Frank, Jr., N.J., E422
Pelosi, Nancy, Calif., E411
Rangel, Charles B., N.Y., E426
Ross, Mike, Ark., E405, E428
Rothman, Steven R., N.J., E410
Roybal-Allard, Lucille, Calif., E422
Sabo, Martin Olav, Minn., E406
Sensenbrenner, James F. Jr., Wisc. E414
Serrano, José E., N.Y., E409, E416, E421, E427, E432
Smith, Christopher H., N.J., E416
Stark, Fortney Pete, Calif., E423
Tancredo, Thomas G., Colo., E403
Tanner, John S., Tenn., E403
Thompson, Bennie G., Miss., E404, E408, E414, E430
Towns, Edolphus, N.Y., E404, E409, E416, E422
Udall, Mark, Colo., E408, E415, E420, E430
Wolf, Frank R., Va., E412

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.